DHARMA

The Global Ethic

BY

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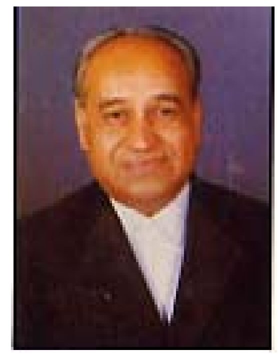
"Dharma" is that which upholds, nourishes or supports the stability of the society, maintains the social order and secures the general well-being and progress of mankind"

(Supreme court of India)

INTRODUCTION

This is a scholarly monograph on the concept of Dharma, the basic note of the Hindu religion. The concepts of Dharma, Karma, Bramha constitute the tripod of Sanatana Dharma (Hindu Dharma), which is *Anadi* (beginningless), *Anantha*(endless), and therefore *Sanatana*(eternal, everlasting). With its rich connotations, Dharma is not translatable to any other language. This article is written by Sri Rama Joise. He deals with this subject thoroughly, using the explanations given in from the Vedas, the Ramayana, the Mahabharata, the Manusmurti, the Arthashastra, the Hitopadesha and the Rajatarangini.

THE AUTHOR



M. Rama jois was born on 27th July 1931 in Arga village of Thirthahalli Taluk, Shimoga district, in the state of Karnataka in India. After getting B.Sc. and B.L. degree from Mysore University he was enrolled as an advocate of Karnataka high court in 1959. He has been very successful in the legal profession particularly in the branch of service and constitutional law. He authored the book "Services under the State" which was published by the Indian law institute in 1974 and re-published in 1987. He was appointed judge of Karnataka high court in Nov 1977. His another book "Legal and constitutional history of India" in two volumes which includes ancient Indian Legal, Judicial and Constitutional Law(Vyavahara and Raja Dharma). This book has been described as monumental work by eminent scholors and judges in their review of the book. It has been recommended forstudy for law and degree courses by the Bar Council of India. His collection of articles on "DHARMA" has been published by "Bharatiya Vidya Bhavan" in a book form. In May 1992 he became the Chief Justice of Punjab and Haryana high court, which post he held till his retirement.

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1.1 THE CONCEPT OF DHARMA

Dharma is the greatest and the most valuable contribution to humanity by Bharata Varsha, our beloved Motherland. On account of its antiquity, utility and universality the very mention of that word rouses the conscience of an individual in this land. All our present day problems are a direct result of disregarding 'Dharma' , under the influence of a materialistic philosophy, in the belief that it alone can usher in happiness and secure the welfare of the people. Now it is becoming clear that human problems multiply as we go on multiplying our lust and desire for material wealth and pleasure and that the solution to all the problems, Social, Economic and Political, which the world and our nation are facing, in particular the crash of our moral edifice is, Dharma alone panacea. There is no alternative to 'Dharma'. This is the eternal truth. This can be realised, if we understand the real meaning of 'Dharma'**.**

'*Dharma* is a Sanskrit expression of the widest import. There is no corresponding word in any other language. It would. also be futile to attempt to give any definition of the word. It can only be explained. It has a wide variety of meanings. A few of them would enable us to understand the range of that expression. For instance, the word 'Dharma' is used to mean Justice (Nyaya), what is right in a given circumstance, moral values of life, pious obligations of individuals, righteous conduct in every sphere of activity, being helpful to other living beings, giving charity to individuals in need of it or to a public cause or alms to the needy, natural qualities or characteristics or properties of living beings and things, duty and law as also constitutional law.

Mahabharata the great epic which is acclaimed as the *Manava Kartavya Sastra* (code of duties of human beings) contains a discussion of this topic. On being asked by Yudhistira to explain the meaning and scope of ***DHARMA,*** Bhishma who had mastered the knowledge of Dharma replied thus:

तादृशोऽयमनुप्रश्नो यत्र धर्मः सुदुर्लभः।
दुष्करः प्रतिसंख्यातुं तत्केनात्र व्यवस्यति।।
प्रभवार्थाय भूतानां धर्मप्रवचनं कृतम्।
यः स्यात्प्रभवसंयुक्तः स धर्म इति निश्चयः।।

SHANTHI PARVA - 109-9-11

It is most difficult to define Dharma. Dharma has been explained to be that which helps the upliftment of living beings. Therefore, that which ensures the welfare of living beings is surely Dharma. Thelearned rishis have declared that which sustains is Dharma.

Karna Parva- Ch.. 69 Verse 58 eulogises Dharma in the following words:

धारणाद् धर्म इत्याहुर्धर्मो धारयते प्रजाः।
यत् स्याद् धारणसंयुक्तं स धर्म इति निश्चयः।।

Dharma sustains the society
Dharma maintains the social order
Dharma ensures well being and
progress of Humanity
Dharma is surely that which
fulfils these objectives

JAIMINI, the author of the celebrated Purvamimamsa and UtharaMimamsa, explains 'Dharma' thus:

स हि निःश्रेयसेन पुरुषं संयुनक्तीति प्रतिजानीमहे।
तदभिधीयते–

JAIMINII-2

Dharma is that which is indicated by the Vedas as conducive to the highest good.

Madhavacharya, a Minister to Hakka and Bukka, founders of the Vijayanagar Empire, in. his commentary on Parashara Smriti, has briefly and precisely explained the meaning of Dharma as follows:

अभ्युदय–नि–श्रेयसे साधनसत्त्वेन धारयति इति धर्मः।
स च लक्षण–प्रमाणाभ्यां चोदनासूत्रैर्व्यवस्थापितः।।

Dharma is that which sustains and ensures progress and welfare 'of all in this world and eternal Bliss in the other world. Dharma is promulgated in the form of commands. (positive and negative vidhi and nishedha)

Therefore, Dharma embraces every type of righteous conduct covering every aspect of life essential for the sustenance and welfare of the indiavidual and society and includes those rules which guide and enable those who believe in God and heaven to attain moksha (eternal bliss).

1.1.1 ORIGIN OF DHARMA

Dharma was formulated as the solution to the eternal problems confronting the human race, originating from natural human instincts.

अकामस्य क्रिया कचिद्दृश्यते नेह कर्हिचित्।
यद्यद्धि कुरुते किंŒचत् तत्त्कामस्य चेष्टितम्।।

MANU: II: 4

There is no act of man which is free from desire; whatever a man does is the result of the impulse of desire.

In the above verse, analysing the human instinct, Manu states that the force behind every action of a human being is his desire (kama). Then the next question was what were the natural desires of man? The natural desire of man was found to be the desire to have enjoyment of wealth ie., material pleasure (artha) as also emotional and sexual enjoyment. Artha is explained by Vatsayana3 as connoting material wealth such as gold, cattle, com, including education or knowledge (intellectual property) necessary to earn wealth. The source of all evil actions of human beings was traced to the desire for material pleasure which in turn gave rise to conflict of interests among individuals.

Further, it was found that the desire (kama) of human beings could also be influenced by the other impulses inherent in human beings such as anger (krodha), passion (moha), greed (lobha), infatuation (mada), and enmity (matsarya). These six natural impulses were considered as six internal enemies of man (arishadvarga), which if allowed to act uncontrolled could instigate him to entertain evil thoughts in the mind for fulfilling his own selfish desires and for that purpose cause injury to others. Manu, on this basis, explained the causes of all civil and criminal injuries inflicted by the action of one against the other.

Dharma or rules of righteous conduct was evolved as a. solution to this eternal problem arising out of the natural instinct of man. In Shantiparva of the Mahabharata (Ch.59-

1.2 DHARMA -THE SIX ANTIGEN FOR THE MIND

As explained in the preceding chapter Dharma was formulated as a solution for problems arising out of the six inherent enemies in Man, namely Kama (desire), Krodha (anger), Lobha (greed), Moha (passion), Mada (infatuation) and Matsarya (enmity). Every civil or criminal injury caused by an individual to other individuals or society is traceable to one or more of the six enemies acting alone or in combination. This inherent weakness of man has been the subject matter of an indepth study by those who formulated 'Dharma' .The root cause for all good or bad, verbal or physical acts of individuals has been analysed and explained in Manu Smriti.

1.2.1 Causes for evil actions

शुभाशुभफलं कर्म मनो वाग्देहसम्भवम्।
कर्मजा गतयो न्य्णामुत्तमाधममध्यमाः।।
तस्येह त्रिविधस्यापि त्र्यधिष्ठानस्य देहिनः।
दशलक्षणयुक्तस्य मनो विद्यात्प्रवर्तकम्।।
परद्रव्येष्वभिध्यानं मनसाऽनिष्टचिन्तनम्।
वितथाभिनिवेशश्च त्रिविधं कर्म मानसम्।।
पारुष्यमनृतं चैव पैशुन्यं चापि सर्वशः।
असम्बद्धप्रलापश्च वाङ्मयं स्याच्चतुर्विधम्।।
अदत्तानामुपादानं हिंसा चैवाविधानतः।
परदारोपसेवा च शारीरं त्रिविधं स्मृतम्।।

MANU XII 3 -7

Action which springs from the mind, from speech and from the body produces either good or evil results. By action are caused various conditions of men. Mind is the instigator for all actions which are connected with and performed by the body. They are of three kinds and fall under ten heads:

1.2.1.1 Three sinful mental actions:

A sin takes its origin in the mind in three ways:

(i) Coveting the property of others;
(ii) Thinking what is undesirable; and
(iii) Adherence to evil doctrines.

These three types of sinful mental actions give rise to four types of evil verbal actions or three types of wicked bodily actions:

1.2.1.2 The four evil verbal actions

(i) Speaking an untruth;
(ii) Attacking another in abusive or strong language
(iii) Carrying tales against another person; and
(iv) Talking ill of others.

1.2.1.3 The three wicked bodily actions

(i) Taking what is not given;
(ii) Injuring living beings; and
(iii) Illicit intercourse with another man's wife

The aforesaid analysis of the various evil mental and bodily actions cover the whole field of civil or criminal injury that an individual causes to another. The instigation comes from the mind.

Thus, the sin first takes root in the form of mental action and thereafter expresses itself in the form of verbal or bodily evil actions which inflict civil or criminal injury as the case may be on others against whom they are directed. All the civil and criminal injuries which an individual may cause to others, such as appropriating the property belonging to others or denying what is due to others, or defamation, assault, theft, cheating, robbery, causing hurt, murder, rape, adultery, which are covered by the modern civil and criminal laws under various systems of law, fall under anyone or more of the four evil verbal actions or three wicked bodily actions as analysed by Manu. The several provisions made in the Manu Smriti follow this basic analysis. Before laying down the code of conduct for implicit obedience by individuals and the penalty for disobedience at the hands of the king (the State), Manu cautions everyone to have self -control, so that his mind does not act as the instigator for committing any sinful mental action which would inevitably lead to one or the other type of evil verbal actions or wicked bodily actions.

वाग्दण्डोऽथ मनोदण्डः कायदण्डस्तथैव च।
यस्यैते निहिता बुद्धौ त्रिदण्डीति स उच्यते।।
त्रिदण्डमेतन्निक्षिप्य सर्वभूतेषु मानवः।
कामक्रोधौ तु संयम्य ततः सिद्धिं नियच्छति।।

MANU XII 10-11

That man is called 'Tridandin' who has established three controls, on his mind viz., (i) Manodanda -control over his thoughts, (ii) Vakdanda -control over his speech and (iii) Kayadanda- control over his body.

He who exercises these three controls with respect to all created beings and wholly subdues desire and wrath, assuredly gains complete success in his life.

The root cause of all civil and criminal wrongs and the essence of the philosophy necessary for the safety and happiness of individuals and the society are incorporated in Manu Smriti in the above verses. .

The above elucidation indicates that training of the mind through proper education is essential for, it is only through such education and training that it is possible to inculcate a sense of self imposed discipline in an individual which in turn enables him to exercise control over the mind, and through it speech and physical actions can be controlled.

Manu proceeds to declare that every human being who exercises the aforementioned three types of controls namely control over the mind, control over the body and control over the speech in respect of all living beings secures real happiness and success in his life.

The above guidelines given in Manu are unexceptionable. In fact it is the experience of man that the absence of such control leads to undesirable and sometimes disastrous results.

Now take one instance. In the last more than one century the World has made tremendous progress in science. Man has created for himself through science all amenities and facilities such as fast and comfortable conveyance and fast communication, and every type of equipment or gadget to make his life more and more comfortable. But with all this what is the picture we are seeing today? It is horrible. The scientific inventions which are useful for constructive activities are being used for destructive/terrorist activities. As a result, in addition to the sufferings caused by the natural calamities which human beings cannot avoid, as they are beyond their control, man made sufferings are on the increase.

Human beings are subjecting other human beings to untold misery and agony by their evil actions perpetrated for purely selfish ends. In particular onslaught and assault on women are on the increase and this is heinous and most degrading. For such purposes they are using the most modern arms and ammunitions. Everyday news papers carry news of such atrocities committed by individuals for one reason or the other. To put it in a nutshell human beings are acting inhumanly using every type of modern scientific knowledge. As a result, scientific inventions which are intended to be a boon to humanity are becoming a curse. Why is it so? The answer is not far to seek. The reason is human beings have not been educated and trained to exercise control over the mind, speech and bodily actions and not to inflict injury on others with purely selfish motive. In fact this should have been the most fundamental education to be imparted to individuals right from their childhood by which alone human beings develop the capacity to control their mind, speech and bodily actions. Everyone should be made to realise, that for the sake of satisfying ones greed or desire one were to indulge in illegal and immoral acts, he might

secure a momentary physical enjoyment, but would land himself in deep trouble by losing mental peace and happiness and thus he has to suffer through out his life.

It is by such education only that the character of an individual can be moulded so that he lives a useful, purposeful and honest life which gives him real happiness and enables him to devote his time energy and capacities to the service of other human beings and prevents him from exploiting others for selfish ends.

1.2.2 THE MESSAGE

Every individual should, by constant effort, regulate his mind, speech and action so that he does not inflict any physical or mental injury or any pecuniary loss or damage on other individuals.

It is a matter of common knowledge that in day-to-day life on account of greed and being actuated one or more of the six enemies inherent in man namely: Kama (love/desire), Krodha (anger), Lobha (greed), Moha (Passion), Mada (Infatuation) and Matsarya (enmity), a man indulges in wrongs. To illustrate, a man commits theft to acquire money or any other moveable property for gain. He indulges in cheating others or in corruption to acquire more money. For the same purpose he commits robbery, or dacoity or even murder. Similarly to have sexual enjoyment for a moment, man commits offences against women. By doing so he degrades himself to the level of an animal, commits offence of rape and ruins the life of a woman or commits adultery and ruins himself in every respect. On many occasions man does these acts secretly thinking that no one knows or will come to know of these acts. But the fact remains that the ATMA (Soul) within himself is an unavoidable witness. It is impossible for a human being to commit any wrongful or sinful act without the knowledge of the Atma (Soul). As far as the Atma is concerned, being part and parcel of Paramatma (the almighty God) it is incapable of compromising with the wrong acts of a human being within whose body it resides for the time being.

Manu Smriti Ch. 12-35 expounds this aspect thus

यत्कर्म कृत्वा कुर्वंश्च करिष्यंश्चैच लज्जति।
तज्ज्ञेयं विदुषा सर्वं तामसं गुणलक्षणम्।।

"If a man in his conscience, feels ashamed/guilty to do an act, or while doing an act, or after doing an act, it is the clearest indication of Tamasa Quality -viz, the act is a sin ".

Therefore, the soul always tells the man who has committed the offence, that he has committed a sin. If a person commits theft, his soul will always be telling him "You are a thief. you have committed theft". Similarly, if a person commits murder, his soul will always be saying "You are a murderer". Similarly if a man commits rape on a woman, his soul tells him "You are a rapist". If a minister or officer is corrupt and

receives bribe, his soul will always be telling him "You are corrupt" and so on. To outward view, he might pose to be honest, and tell people that he has not committed any offence and all that happened was on account of a "System Failure", but his soul cannot be fooled. It does not allow him to have peace of mind. It constantly reminds him of his misdemeanours. Thus, he loses mental happiness.

It is for this reason that the individual feels ashamed within, though before others he may try to pose as a good man. It is this aspect which is highlighted by Manu in the verse and calls upon every individual to establish an internal check, which alone is the guarantee for good conduct or to eschew bad conduct and not the fear of Police which only makes a man to be more careful and secretive in committing offence. This internal check is what is meant by "God Fearing" as Atma (Soul) is God within the man.

Thus the substance of the verse is that a man is bound to feel ashamed within himself for his sinful acts. This happens at all the three stages. (i) When a man thinks of doing a sinful act, he feels ashamed, But if the mind is allowed to be overpowered by greed or anger or by anyone of the other enemies (Arishadvarga) for any reason he commits a sin. If however, he listens to his conscience he will not commit the sin. Similarly in the course of doing an illegal act, the soul keeps telling him continuously, 'What you are doing is a sinful act' .Even at that late stage if realisation comes, and he gets over that desire, he gives up the act and feels greatly relieved. Such instances are innumerable. It happens many times that though, on account of greed, selfishness, or anger or even dire necessity, a man decides to commit offences, some time before the offence is committed, self realisation dawns whether by itself or on account of the samskara received earlier or at the instance of his well wishers or advisers he stops, and then thanks himself and the well wishers for having stopped him from becoming a sinner.

Manu Ch. viii-84 rouses the conscience of an individual in a verse which is intended to be part of an exhortation to witness, It reads:-

आत्मैव ह्यात्मनः साक्षी गतिरात्मा तथाऽऽत्मनः।
माऽवमंस्याः स्वमात्मानं नृणां साक्षिणमुत्तमम्।।

The Soul itself is the witness of the Soul and the Soul is the refuge of the soul. Despise not thy own Soul the supreme witness to the acts of men.

The eternal advise by Manu for all human beings to be followed throughout life is not to indulge in self deception. Manu has indicated this aspect to make every person realise that it is not necessary for any other person to come and say that a particular act is wrong and he should not indulge in it. The soul is the witness, the soul is the police, the soul is the judge. The soul is capable of indicating what is wrong and what is right. Therefore, it always warns an individual.

A man with good samskara immediately yields to the advice. But a man who is unable to control his desire, falls a prey to sinful desire. But at the same time after

committing a sin he feels ashamed of himself for his sinful acts, though not witnessed by any outsiders, and suffers through out life. This is the fate of those who commit murder, rape, who indulge in corruption and who are ultimately caught and punished. Those who are not caught and prosecuted and punished might not go to jail, but they suffer without fail and go to hell, here and now, not after death. They may not be caught by the police, or even if caught and prosecuted for want of evidence in the Courts, they may not go to jail, but they are bound to suffer by losing mental peace and by loss of reputation for themselves and members of their families. That is why it is said that death is preferable to loss of reputation. Manu again warns every individual in the following words:-

अधर्मेणैधते तावत् ततो भद्राणि पश्यति।
ततः सपत्नान् जयति समूलस्तु विनश्यति।।

Those who indulge in adhanna attain immediate success and secure fulfillment of their desires. They overpower their opponents. But ultimately their ruin down to the roots is certain.

This is the warning to those who indulge in adharma to achieve their unlawful objects. Therefore, the universally applicable and eternally valid advice flowing from the verse is "When an evil thought comes to your mind and the soul tells you that it is an evil one you should make every effort to get over your weaknesses or greed anger or other feelings created by the other enemies inherent in man", even if it be at the instigation of your own kith and kin.

The principle flowing from this is, a man must be true to his conscience. Manu adds that many a man thinks of indulging in wrong acts with the object of securing wealth and when he is unable to secure it by legitimate methods, he thinks of securing it by illegitimate methods. Therefore every one should strive not to submit or surrender himself to such desires.

To illustrate, a man wants to earn money or even more money, so that he and the members of his family may lead a comfortable life. There is nothing wrong in the desire is. Then he should consider what the correct way of fulfilling that desire is. The right way is to secure knowledge of any art or craft or trade, business or avocation and thereafter with the aid of such knowledge to work hard, honestly and earn the money. Rightfully earned money gives mental happiness.

Further, apart from earning money honestly, spending -must also be for right causes. For instance, if a person earns the money legitimately, but spends the money on his bad habits or immoral habits or desires such as drinking alcohol, or immoral sex, or giving trouble to others, he is sure to suffer from want of mental peace and happiness, Therefore, the advice is, even after having secured wealth rightly one must spend the money on the right purposes or causes. For instance, if a man secures money rightfully and spends the money to mitigate the miseries of others, such as feeding persons who are

hungry or giving money to poor students, who are in need of it1or education or to persons who are in need of it, though his wealth decreases, his mental happiness increases.

In fact, the pleasure and happiness a man secures and enjoys by helping others in any manner, who are in need of such help is more than the pleasure he gets by spending money purely for selfish purposes.

Therefore, the whole purpose and object of education must be to develop good qualities in individuals and enable them to rise to a divine level higher than human beings at any rate not to degrade himself to the animal level.

The above aspect has been forcefully brought out in the Nitishataka- 72:

एते सत्पुरुषाः परार्थघटकाः स्वार्थं परित्यज्य ये।
सामान्यास्तु परार्थमुद्यमभृतः स्वार्थाविरोधेन ये।।
तेऽमी मानुषराक्षसाः परहितं स्वार्थाय निघ्नंति ये।

Persons who render selfless service to other human beings are the greatest.

Persons who carry on their profession, avocation or business with self interest, but without exploiting and causing any injury to those who deal with them are good.

But those who give trouble to or exploit others in utter selfishness are demons in human form.

The above moral code is a clear exposition of the principle laid down in Manu. It is only great people who sacrifice-their all for the welfare of society. But in the nature of things, all cannot be great. However, every individual can afford to be good. For this purpose, every individual should carryon his profession or avocation or business, which he undertakes to earn his livelihood, in a manner in which while he gets reasonable remuneration or profit, he does not exploit the misery of others. If the number of such persons who are good is larger in any society, there will be peace and happiness in the society. But instead, if people who selfishly carryon their profession, trade or business or avocation to make more money, and for this purpose consider that the misery of others is their opportunity and take advantage of the hardship or misery of others, they are just demons in the form of human beings. The word "demon" refers to the quality of persons whose nature is exploitation, i.e., giving trouble to others to secure or fulfill their own unlimited and immoral desires. This is at the root of the erosion of professional ethics in all professions and avocation, including noble professions such as those of lawyers, doctors and teachers.

The consequences of not controlling desires which arise in the mind are explained in the Bhagvadgita Ch. II 62-63, thus:

ध्यायतो विषयान् पुंसः सङ्गत्सेषूपजायते।
सङ्गत्सŒजायते कामः कामात्क्रोधोऽभिजायते।।
क्रोधाद्भवति सम्मोहः सम्मोहात्स्मृतिविभ्रमः।
स्मृतिभ्रंशाद् बुद्धिनाशो बुद्धिनाशात्प्रणश्यति।।

When a man begins to think of securing anything in the first instance attachment to that develops.

Attachment leads to desire; when the desire is not fulfilled it leads to anger; anger in turn leads to loss of sense of good and bad; this loss leads to destruction of sound discretion and finally; the loss of sound discretion leads to total destruction -the man perishes' .

How true it is! We see everyday the human beings just to achieve their selfish purposes indulging in all sorts of crimes, misappropriation, onslaught on women, corruption. This ultimately ruins them and their families and also adversely affects the society as a whole.

To sum up, the solution to the above problems which are posing a serious threat to humanity is:

(i) for whomsoever it is possible to sacrifice their all for the welfare of humanity, or the human society concerned to do so and:

(ii) for all others to carryon their profession, avocation, trade or business in such a way as to render service to Society taking only reasonable remuneration or profit:

(iii) No one should cause injury to others to fulfill selfish desires. One should not exploit the misery of other human beings for illegitimate gains.

This is the 'Dharma' of every individual. This was evolved to combat the six enemies (Arishadvarga) inherent in every individual. It is a preventive measure. To put it in the language of modern health science, just as Triple Antigen was invented as a preventive medicine for the three fatal diseases to which a child might become a victim, Dharma was evolved as the-antigen against sinful thoughts entering the mind of an individual, influenced by one or more of the six inherent enemies whereby the mind acts as an instigator for indulging in sinful/verbal or bodily actions.

1.2.3 BASIC ASPECTS OF DHARMA

As 'Samskara' given to an individual particularly from childhood acts as a powerful antigen for the mind against the mental diseases flowing from the six inherent enemies of man, it is necessary to expound what are those fundamental rules of Dharma;

While Dharma touches on a wide varieties of topics, the essence of Dharma common to all human beings is also declared in various works.

अक्रोधः सत्यवचनं संविभागः क्षमा तथा।
प्रजनः स्वेषु दारेषु शौचमद्रोह एव च।।
आर्जवं भृत्यभरणं नवैते सार्ववर्णिकाः।

Truthfulness, to be free from anger, sharing wealth with others, (samvibhaga) forgiveness, procreation of children from one's wife alone, purity, absence of enmity, straightforwardness and maintaining persons dependent on oneself are the nine rules of the Dharma of persons belonging to all the varnas. (Yaj. 1-122 is similar).

A reading of each one of the above rules at once makes an individual realise what he should do and what he should not do. The observance of the above rules alone secures real happiness and harmony in life.

Manu Smriti is more concise and brought 'Dharma' under five heads.

अहिंसा सत्यमस्तेयं शौचमिन्द्रियनिग्रहः।
एतं सामासिकं धर्मं चातुर्वर्ण्येऽब्रवीन्मनुः।।
MANU X-163

Ahimsa(non-violence), Satya (truthfulness), Asteya (not acquiring illegitimate wealth), Shoucham (purity), and Indriyanigraha (control of senses) are, in brief, the common Dharma for all the varnas.

The first rule is not to indulge in violence against other living beings. The second rule requires every one to be truthful in day to day life. The third rule is of the utmost importance. It is the desire to secure wealth by illegitimate methods which makes a man corrupt, a cheat, a smuggler, a black marketeer, an exploiter, and makes even men in noble professions exploit the miseries of others to make more and more money in utter .disregard to professional ethics. Therefore, it is very essential to ingrain in the heart and mind of every individual the desire not to indulge in 'asteya' i.e., acquiring wealth by illegitimate and immoral methods. The fourth one commands every individual to maintain purity of thought, word and deed (Trikarana shuddi i.e., Kaya, Vacha, Manasa), which is also called Antaranga Shuddi (internal/mental purity) and Bahiranga Shuddi (external purity or purity in action). This rule means absolute honesty in that there should be harmony in thought, word and deed of an individual. One should not think something in the mind, speak something else, and do entirely another thing.

' The fifth perhaps is very important i.e., control of senses. It is lack of control over the senses which results in individuals indulging in all types of illegal and immoral actions, being instigated by the one or more of the six inherent enemies (Arishadvargas). This lands himself as well as others in misery and loss of happiness.

The mere knowledge of the rules of Dharma, however does not make a man 'Dharmishta' i.e., a man acting always in conformity with Dharma. Therefore, Dharma has to be ingrained in the mind of every individual from child hood. Just as triple antigen for giving immunity to the body against dreaded disease has to be administered to a young child for giving immunity to the mind against sinful thoughts Dharma- the sextuple antigen has to be administered to the mind of an individual as part of education. It is a slow but a sure process. This process was called 'Samskara'.

Adi Shankara in his commentary on Vedanta Sutra has explained this process thus:-

संस्कारो हि नाम गुणाधानेन वा स्याद् दोषापनयनेन वा।

Sanskara is a process by which good qualities are generated and bad qualities are removed in an individual.

Thus, when knowledge of rules of Dharma and of Dharma abiding nature is ingrained in the mind of an individual, it acts as antigen against the six enemies inherent in him and always makes him conform to dharma. That is why 'Dharma' is given the pride of place by our ancestors. This aspect is declared in Mahanarayanopanishat Section 79-7 thus:-

धर्मो विश्वस्य जगतः प्रतिष्ठा।
लोके धर्मिष्ठं प्रजा उपसर्पन्ति।
धर्मेण पापमपनुदति।
धर्मे सर्वं प्रतिष्ठितम्।
तस्माद्धर्मं परमं वदन्ति।

Dharma constitutes the foundation of all affairs in the World. People respect those who adhere to Dharma. Dharma insulates (man) against sinful thoughts. Everything in this world is founded on Dharma. Dharma therefore, is considered supreme.

The role of Dharma is, that it acts as an internal check, a preventive against sinful actions as it destroys the very cause of such actions, namely sinful thoughts.

To put it in a nutshell, the power of law is to punish those who commit offences after the acts if only they are caught and evidence is available. It is punitive in nature. But "Dharma" has the power to prevent a man from committing an offence by acting as an antigen against the six enemies inherent in every man. It is preventive. Therefore, it can rightly be described as the six antigen for the mind which gives immunity against sinful thoughts arising on account of the instigation of one or more of the six inherent enemies (arishadwarga).

1.3 THE DOCTRINE OF TRIVARGA

The Doctrine of Trivarga comprising of "DHARMA, ARTHA AND KAMA" is the sum and substance of the Bharatiya Philosophy of life, intended to strike a reasonable balance between the interests of the individual and the public interest which means the interests the of all other individuals who constitute the society or Nation concerned and includes all humanity. It declares the Supremacy of Dharma -over Artha (wealth) desire for securing material pleasure and Kama, (every type of desire incvJrlin8 the desire for securing wealth and every type of pleasure). It is the invaluable and everlasting solution for all the problems of all human beings for all time to come, irrespective of their belonging or not belonging to any religion.

The propounders of Dharma did appreciate that the fulfillment of desires of human beings was essential but were of the opinion that unless the desires were regulated by law, they would bring about undesirable results. Therefore, all the propounders of Dharma were unanimous that for the existence of an orderly society and the peace and happiness of all, the desires (kama) for material enjoyment, and pleasures (Artha) should always conform to Dharma (Code of Right Conduct) and be never inconsistent with it.

तस्माच्छास्त्रं प्रमाणं ते कार्याकार्यव्यवस्थितौ।
ज्ञात्वा शास्त्रविधानोक्तं कर्म कर्तुमिहार्हसि।।

GITA 16-24

Let the sastras be your authority in deciding what you should do and what you should desist from doing.

Having understood what is ordained by the Sastras, you should act accordingly.

धर्मार्थावुच्यते श्रेयः कामार्थौ धर्म एव च।
अर्थ एवेह वा श्रेयस्त्रिवर्ग इति तु स्थितिः।।
परित्यजेदर्थकामौ यौ स्यातां धर्मवर्जितौ।

MANU II 224 & IV 176

To achieve welfare and happiness some declare Dharma and Artha are good. Others declare that Artha and Kama are better. Still others declare that Dharma is the best. There are also persons who declare Artha alone secures happiness.

But the correct view is that the aggregate of Dharma, Artha and Kama (Trivarga) secures welfare and happiness.

However, the desire (kama) and material wealth (Artha) must be rejected if contrary to Dharma.

In this single verse Manu Smriti has considered the merits of pure materialism (Artha and Kama) and of mere spiritualism (Dharma without Artha) and concluded that it is the combination of Dharma, Artha and Kama which secures welfare and happiness with an overriding principle that desire (kama) and material wealth (artha) should be rejected if they are inconsistent with Dharma and calls this doctrine TRIVARGA. There can be no better rule or philosophy than Trivarga, for the welfare of the individual and society. It strikes a harmonious balance between the interests of the individual and society.

The doctrine meant that Dharma must control the desire (kama) as well as the means of acquisition of wealth and deriving pleasure (Artha). Dharma therefore prescribed the rules of right conduct, observance of which was considered necessary for the welfare of the individual and society.

In laying down Dharma, as seen earlier, its propounders took an integrated view of life. Consequently, rules of right conduct covering almost every sphere of human activity such as religion, rules regulating personal conduct of an individual, as a student, as a teacher, as a house-holder, as a husband, as a wife, as a son, as a hermit, as an ascetic, including rules regulating taking of food and the like were prescribed. Dharma therefore laid down a code of conduct covering every aspect of human behaviour, the observance of which was considered a must for the peace and happiness of individuals and society.

The principles set out above are fundamental and have manifested themselves through various provisions meant to sustain the life of the individual and society. *It is for this reason, all the works on Dharma declare with one voice that Dharma is that which sustains the world.*

Every act or conduct which was in disobedience to rules of Dharma was called Adharma and was declared to be injurious to society and the individual.

1.3.1 Observance of Dharma a must for peaceful co-existence

The necessity of scrupulous practice of Dharma is forcefully expressed by Manu :

धर्म एव हतो हन्ति धर्मो रक्षति रक्षितः।
तस्माद्धर्मो न हन्तव्यो मा नो धर्मो हतोऽवधीत्।।

MANUVI11-15

Dharma protects those who protect it. Those who destroy Dharma get destroyed. Therefore, Dharma should not be destroyed so that we may not be destroyed as a consequence thereof.

The principle laid down in this saying is of the utmost importance and significance. In the above very short saying, the entire concept of Rule of Law is

incorporated.1 The meaning it conveys is that an orderly society would be in existence if everyone acts according to Dharma and thereby protect Dharma, and such an orderly society which would be an incarnation of Dharma, in turn, protects the rights of individuals. Rules of Dharma were meant to regulate the individual conduct, in such a way as to restrict the rights, liberty, interest and desires of an individual as regards all matters to the extent necessary in the interest of other individuals, i.e., society and at the same time making it obligatory for society to safeguard and protect an individual in all respects through its social and political institutions. Briefly put, Dharma regulated the mutual obligations of the individual and society. Therefore, it was stressed that protection of Dharma was in the interest of both the individual and society. Manu Smriti warns; Do not destroy Dharma, so that you may not be destroyed. A 'State of Dharma' was required to be always maintained for peaceful co-existence, happiness and prosperity.

It is needless to state that it is only when a substantial number of citizens of a nation are by and large of "Dharma / law abiding Nature" the Rule of law can be maintained. But, if the majority are not of a law abiding nature, the nation gets destroyed. This aspect is sought to be impressed on every student in lesson Eight, Chapter-II, Shikshavalli (On Education) of Taittiriya Upanishad in these words :

युवा स्यात्साधु युवाऽध्यायकः।
आशिष्ठो द्रढिष्ठो बलिष्ठ।।
तस्येयं पृथिवी सर्वा वित्तस्य पूर्णा स्यात्।
स एको मानुष आनन्दः।।

TAITTIRIYA UPANISHAD -CH.II -LESSON 8

Happiness is this, youth should be of good character, learned, resolute and strong (morally and physically). Then only the earth will be full of prosperity and wealth. This is the measure of human happiness.

This lesson is highly enlightening. The real happiness and prosperity of any nation is directly proportional to the number of men of character it has produced, through proper education and environment. Today though on account of advancement of science many nations are affluent from the point of material prosperity, they are facing accute problems of greed and despair The crime rate among youth is increasing. There is lack of character. Short cuts and easy methods to secure maximum profit with minimum industry have become the order of the day.

When we look to the state of our nation, in particular as also the world in general, the situation is alarming. The number of individuals who indulge in crimes, abusing modern scientific knowledge and equipments and inflicting injury and suffering on other fellow human beings is increasing directly in proportion to the advancement of science (Vijnana). This indicates that Vijnana (Science) minus Jnana (Knowledge) of Dharma results in the ever increasing of selfishness and greed. It is op account of this, immorality and corruption, violence and sexual immorality are spreading like cancer and are threatening the health of our nation and of humanity. To this situation, the only remedy is

the resurrectio of the "Doctrine of Trivarga" which constitutes the Philosophy of our country - a philosophy universally applicable.

1.4 VALUES OF LIFE BASED ON DHARMA

Based on 'Dharma' and the doctrine of Trivarga, certain basic values of life were evolved and assiduously sustained through out the history of Bharat. These values were intended to ensure the good and happiness of all, not only in this land but in the entire world. This culture constitute our rich heritage and wealth which is more valuable than all the material wealth of the world. Further it is this culture which has established unity in diversity and it is this cultural bond which has welded the people of this Land into a Nation.

Though various factors such as language, religion or common aspirations etc., might constitute a basis for the formation of or bringing into existence a Nation, the most essential of them are :-

(1) A common territory which people concerned have made their home and existence of filial attachment between the territory and the people, and

(2) Common values of life evolved and cherished by the people.

The people and the territory which is their homeland together constitutes the body of a Nation whereas the values of life evolved by the people, constitute its soul. Both together constitute "National Life". If one of the two disappears, the Nation dies, for the Body without the soul is a corpse and the soul without a body is a Ghost.

Common values of life i.e., culture evolved by the people living in a specific territory, constitute not only national vitality but also national identity. so long as they are preserved the nation survives. If destroyed, the Nation dies.

This aspect is highlighted by Swami Vivekananda, the harbinger of our National renaissance :

> *If any nation attempts to throw off its National vitality, the direction which has become its own through the transmission of centuries, that Nation dies, if it succeeds in the attempt.*
>
> (INDIA AND HER PROBLEMS.p.8)

The greatest satisfaction for the people of Bharath has been that though attempts were made and are being made, by some deliberately, and by others out of ignorance and/or under Western influence, to destroy all our values evolved from ancient times which are the basis of our nationalism they have not been successful in destroying our National Vitality and identity. Our Nationalism, has withstood both political and social onslaughts on it, for several centuries as it is firmly based on noble values which are the very life breath of our people.

1.4.1 The Country

As far as the first aspect is concerned, all our ancient literature gave respectful description of the country and its special features. The second chapter of Manu Smriti gives the description of different parts of our mother land.

सरस्वतीदृशद्वत्योर्देवनद्योर्यदन्तरम्।।
तं देवनिर्मितं देशं ब्रह्मावर्तं प्रचक्षते।।
कुरुक्षेत्रं च मत्स्याश्च पाŒचालाः शूरसेनकाः।।
एष ब्रपह्मर्षिदेशो वै ब्रह्मावर्तादनन्तरः।।
हिमवद्विन्ध्ययोर्मध्यं तत्प्राग्विनशनादपि।।
प्रत्यगेव प्रयागाच्च मध्यदेशः प्रकीर्तितः।।
आसमुद्रात्तु वै पूर्वादासमुद्राच्च पश्चिमात्।।
तयोरेवान्तरं गिर्योरार्यावर्तं विदुर्बुधाः।।

MANU2-17-19-21

The country which is created by God, which lies between the two sacred rivers, Saraswathi and Drishadvati, is called Brahmavarta.

Kurukshetra, Matsya, Panchala and Shurasena are the regions which go by the name of Brahmarshi Desha.

The country to the north of which lie the Himalaya mountains, and to the South of which are the Vindhya Mountains and to the east of which there is an area called Vinashana in which area the river Saraswati is hidden and to the West of which is Prayag, is called Madhya Desha.

The area which is surrounded by the sea in the east and in which the mountain ranges are located, is called Aryavartna.

Having given the territorial description of our motherland, Manu 2-20, declares thus :

एतद्देशप्रसूतस्य सकाशादग्रजन्मनः।।
स्वं स्वं चरित्रं शिक्षेरन् पृथिव्यां सर्वमानवाः।।

In this country, there is great accumulation of knowledge and people from allover the world come here to secure, knowledge from the learned scholars.

The above declaration made in Manu really makes everyone of us feel proud of our country. In fact, it is recorded in history that our country was the store house of knowledge; there were many great Universities like Takshashila and Nalanda and people from different parts of the world used to come here to acquire knowledge.

Then, we have the verses of Vishnupurana which give the territorial boundaries of the whole country and its name and specify the important mountain ranges.

उत्तरं यत् समुद्रस्य हिमाद्रेश्चैव दक्षिणम्।
वर्षं तद्भारतं नाम भारती यत्र सन्ततिः।।

महेन्द्रो मलयः सह्यः शुक्तिमान् ऋक्षपर्वतः।
विन्ध्यश्च पारिपात्रश्च सप्तात्र कुलपर्वताः।।

CH. III -VERSES 1 AND 3

The Country which lies to the north of the seas and to the south of Himalayas, is Bharat, and the people of this Country are 'Bharateeyas'.

The other seven main chains of Mountains (in Bharata Varsha) are, Mahendra, Malaya, Sahya, Suktimat, Riksha, Vindhya and Paripatra.

In his book "Fundamental Unity of India (pp.1-31) Dr. Radha Kumud Mukherjee, the greatest Bharateeya historian highlights this aspect. He says:

The name Bharata Varsha is not a mere geographical expression like the term 'India' having only a physical reference. It has a deep historical significance symbolising a fundamental unity.

The Rig- Veda, one of the oldest literary records of humanity, reveals conscious and fervent attempts made by the rishis, those profoundly wise organisers of Hindu polity and culture, to visualise the unity of their mother-country, nay, to transfigure mother earth into a living deity and enshrine her in the loving heart of the worshipper.

Thus, there has been a filial attachment between the territory of Bharat and the people. The attachment of an individual to his mother is the highest and she is the dearest, such is also the attachment between the people of this country and the territory of Bharat. The emotional attachment is depicted in the following verse :

न मे वांछास्ति यशसि विद्वत्वे न च वा सुखे।
प्रभुत्वे नैव वा स्वर्गे मोक्षेऽप्यानंददायके।।
परं तु भारते जन्म मानवस्य च वा पशोः।
विहंगस्य च वा जन्तोः वृक्षपाषाणयोरपि।।

I am not enamoured of fame, knowledge, luxuries of life, power, or heaven or Moksha, but my desire is to have rebirth in Bharat, as a human being or as an animal or as a bird, or as an insect or at least as a stone.

This is the same feeling one has in this country towards his mother expressed in the words "Even if I have seven rebirths let me have you as my mother". Probably emotional attachment cannot be placed higher than this.

This concept of love for the motherland among the citizens is the very foundation of every nation. This feeling makes every citizen patriotic and makes him remain loyal to the nation not only in its prosperity but also in its adversity and to dedicate himself to the service of the Nation and offer great sacrifices for the welfare and happiness of the people.

There is an ever shining example of love and affection motherland exhibited by Raffia, the great hero of the Ramayana which is expressed in a popular Sanskrit verse. The occasion was this. After the defeat of Ravana in the war his younger brother Laxmana appears to have told Raffia that, instead of returning to Ayodhya, the place where they were insulted and from which they were driven out, they could as well become the rulers of Lanka which was a rich country then. Raffia replied thus :-

अपि स्वर्णमयी लंका न मे लक्ष्मण रोचते।
जननी जन्मभूतिश्च स्वर्गादपि गरीयसी।।

May be, Laxmana, Lanka is full of gold. But one's mother and the motherland are greater than Heaven.

This verse gives expression to Raffia's intense love for his mother and motherland though his coronation was cancelled at the last moment, and he was asked to undergo forest life for fourteen years, and as a result he had suffered great hardship. Though he had won the war against Ravana and could have easily become the King of rich Lanka, he decided to go back to Ayodhya being eager to return to the mother and the motherland like a child eager to join its mother after having been separated for a long time. It is well known that however ugly, illiterate or otherwise deficient, one's mother alone is the dearest person. This is the feeling towards motherland developed in this country as one of the values of life which inspires many to make great sacrifices in the service of the people and the motherland.

History has shown that despite the fact that our country was under foreign rule for several centuries, the love for the Country and its people and the deep sense of patriotism remained strong. It is on account of this feeling that the banner of revolt against foreign rule was raised, repeatedly, and, ultimately the nation was successful in overthrowing it. As we all know just two slogans "VANDE MATARAM" and "BHARAT MATA KI JAI" (SALUTATION TO MOTHER INDIA) inspired lakhs of youths to sacrifice their all during the freedom struggle.

This feeling towards the motherland alone preserves and protects our national unity. From this point of view, Bharat Mata should be the idol to be adored and worshipped by all the citizens and singing in praise of her should be the common song to

be sung by all the citizens. This is the 'Dharma' of every citizen of this country and it holds good for all the nations of the world.

Apart from a study of the history of the Freedom struggle, a visit to the cellular prison in the Andaman Island, will at once make anyone understand the tremendous sacrifice made by the children of Bharat Mata, to break the shackles of slavery by which she was bound. It was our nationalism and love for the country which inspired all of them to make such sacrifices despite the unbearable pains, hardship and suffering which those patriots and members of their family had to undergo.

1.4.2 Values of Life

The second factor which welded the people of this Country into a nation is the system of values of life. There are many main and subsidiary values. I shall refer only to the most important of them, all of which come within the purview of 'Dharma'.

(1) Duty towards others
(2) (a) Samanya Dharma -A Code of Conduct for all human beings
(b) Raja Dharma -The Duty of Rulers
(3) Respect for Womanhood
(4) Equality (Samanata)
(5) Gratitude (Kritajnata)
(6) Compassion (Daya)
(7) Simple Life -Sparing use of Natural Resources
(8) Service (Seva -Paropakara)
(9) Sacrifice (Tyaga)
(10) World is one Family (Vasudhaiva Kutumbakam)

1.4.2.1 DUTY TOWARDS OTHER LIVING BEINGS

In our culture and civilization, primary importance attached was to duty. Our ancestors established a duty based society in which the right given to an individual was the right to perform his duty. This position is declared in the following verse of the Bhagvadgita thus :-

कर्मण्येवाधिकारस्ते।

Your right (adhikara) is to perform your duty

This duty based philosophy has been reiterated in Vishnupurana thus :-

अत्रापि भारतं श्रेष्ठं जम्बूद्वीपे महामुने।
यतो हि कर्मभूरेषा ततोऽन्या भोगभूमयः।।

Among the several countries Bharat is great, for, this is land of duty whereas others are lands of enjoyment.

Mahatma Gandhiji quoted this as the basis of his love for the country. He said :

INDIA is to me the dearest country in the world, not because it is my country but because, I have discovered the greatest goodness in it Everything in India attracts me. It has everything that a human being with the highest possible aspirations can want. India is essentially Karmabhumi (land of duty) in contradistinction to Bhogabhumi (land of enjoyment).

Our civilization, our culture, our swaraj depend not upon multiplying our wants and self indulgence, but upon restricting our wants -self denial.

This duty based philosophy makes this Nation qualitatively different from others. This is a need based culture in contrast to greed based civilizations. The right given to an individual is the right to perform his duty. It is this philosophy which is the essence of the Bhagvadgeeta.

This value alone can instill in individuals the desire to perform their duty and to surrender/sacrifice their personal interests in the larger interest of the nation and/or humanity.

1.4.2.2 (a) SAMANYA DHARMA (b) RAJA DHARMA

(a) SAMANYA DHARMA The meaning of Sanskrit word 'Dharma' as earlier indicated is very wide. It is not religion as understood nay misunderstood by many as a result of using that word for 'Dharma' in the absence of an equivalent word. In fact there is no word "corresponding to Dharma in any of the languages of the world. All the rules of righteous conduct of human beings in every sphere of human activity evolved from times immemorial in this country, fall within the meaning of the word 'Dharma' .It is Universal. Religion means the mode of worship of God by all believers calling Him by different names. Religions are many such as Shaivism, Smartha, Vaishnavite, Buddhism, Jainism, Sikhism, Islam, Christianity and Parsi. It is personal and left to the choice of individuals. One can join or change one's religion according to one's urge and desire. Respect for all religions is Dharma. Dharma applies to all, whether they belong to any religion or not. It is code of conduct for all human beings for all time to come. It is eternal as indicated in Manu Chapter X-63 :

अहिंसा सत्यमस्तयं शौचं इंद्रियनिग्रहः।
एतं सामासिकं धर्मं चातुर्वर्ण्येऽब्रवीन्मनुः।।

Ahimsa (non-violence), Satya (truthfulness), Asteya (not coveting the property of others), Shoucham (purity), and Indriyanigraha (control of senses) are, in brief, the common Dhaima for all.

(b) RAJA DHARMA

This is equivalent to the modern Constitutional Law, Rajadhaima regulated the power and duties of the King. The Atrisamhita declared that there were five fundamental duties of a king :-

दुष्टस्य दण्डः सुजनस्य पूजा न्यायेन कोषस्य च संप्रवृद्धिः।
अपक्षपातोऽर्थिषु राष्ट्ररक्षा पŒचैव यज्ञाः कथिता नृपाणाम्।।

To punish the wicked, to honour (protect) the good, to enrich the treasury by just methods, to be impartial towards the litigants and to protect the kingdom -these are the five yajnas (selfless duties) to be performed by a king.

Even in the hoary past, the duties and responsibilities of the king were regulated by Raja Dharma. To inculcate the desire to implicitly to obey Rajadharma was part of the education of the princes, who were to succeed to the throne. While the form of Government was kingship the substance was Democratic.

In conformity with this spirit of Raja Dharma, Kautilya, in his famous " Artha Sastra" (P-39) (the Constitutional Law of ancient India (compiled around 300 B.C) summed up the duties of the king (State) thus ;-

प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम्।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम्।।

In the happiness of the subjects lies the king's happiness, in their welfare his welfare; what pleases himself the king shall not consider good but whatever pleases his subjects the king shall consider good.

The king was required to conform to the above rule of Raja Dharma and act only in the interests of the people and not according to his likes or dislikes or whims and fancies. He was directed not to act capriciously or arbitrarily. It was pointed out that his interests and the interests of his subjects were inseparable. What was good for the people was to be regarded good for him irrespective of any disadvantage or inconvenience caused to him.

Every prince before assuming office as king was required to take an oath that he would rule the kingdom strictly in accordance with Dharma.

The more important aspect relating to assumption of office as king at the coronation ceremony was, it was regarded as 'Samskara' for the commencement of selfless discharge of duty as a king during his entire tenure of office and not assumption of power. On this aspect K.M.Panikkar observes:

Great importance was, therefore, attached to the coronation ceremony. Not only was it a dedication to the service of the people but also an affirmation of the covenant between the people and the ruler.

The coronation was a Diksha, a dedication, and a king bearing the crown became a Vrati, i.e., a person devoting his life to a cause (in this case, the service of the people).

The Mahabharata has expressed the ideal with great clarity and precision. Shanti Parva Verse 3(1), Chapter-90, says:-

धर्माय राजा भवति न कामकरणाय तु।

"The proper function of the king is to rule according to Dharma (the law) and not to enjoy the luxuries of life".

The above directive principle laid down five thousand years ago is of eternal value. It is very relevant now as many consider that securing political power is the golden opportunity to amass wealth indulging in extravagant and ostentatious living, enjoying all luxuries of life, conferring privileges on their kith and kin, undertaking foreign tours etc., misusing the power and position of the office, disregarding the law and morals, which is the root cause of rampant corruption, misappropriation of public funds and abuse of power which are prevailing now.

The above ideal is worthy of emulation by all those who take oath of office in different capacities according to the relevant Constitution under the present day Democratic system of Government; and they would do well to remember always that they are not merely wielders of power but they stand charged with the duty of rendering selfless service to the people in conformity with the constitution and the laws of the land.

It was also made obligatory for the king to give equal protection to all his subjects without discrimination. On this subject, 'Manu Smriti' on Raja Dharma (IX-31) says :-

यथा सर्वाणि भूतानि धरा धारयते समम्।
तथा सर्वाणि भूतानि बिभ्रतः पार्थिवं व्रतम्।।

Just as the mother earth gives equal support to all the living beings, a king should give support to all without any discrimination.

Narada Smriti vide Dharmokosha P-870 laid down thus:

पाषण्डनैगमश्रेणीपूगव्रातगणादिषु।
संरक्षेत्समयं राजा दुर्गे जनपदे तथा।।

The king should afford protection to compacts of associations of believers of Veda (Naigamas) as also of disbelievers in Veda (Pashandis) and of others.

These most ancient provisions, show how, in this land, where the Vedas were regarded as Supreme, the disbelievers in the vedas were to be respected and protected.

Apart from the specific provision of the Raja Dharma, it has been the fundamental practice to pray individually as, well as collectively for the well being of all. This is evident from the following popular Sanskrit verse:

सर्वेऽपि सुखिनः सन्तु सर्वे सन्तु निरामयाः।
सर्वे भद्राणि पश्यन्तु मा कश्चिद्दुःखभाग्भवेत्।।

Let all be happy, let all be free from diseases, let all see auspicious things and let nobody suffer from grief.

There is a prayer made in every temple every day to the following effect :

लोकाः समस्ता सुखिनो भवन्तु।।

Let all people be happy

Our ancestors also laid stress on the principle that God is one despite the fact that people belonging to different religious faiths call him by different names and therefore by whatever name god may be addressed in offering obeisance the destination is the same. This principle has been forcefully expressed in the following verse:

आकाशात्पतितं तोयं यथा गच्छति सागरम्।
सर्वदेवनमस्कारः केशवं प्रति गच्छति।।

Just as the rain water corning down to the earth from the sky reaches the same ocean, obeisance to God by any name reaches the same destination - The one God by whatever name He is called.

The following prayer incorporated in the Upanishads, discloses the lofty ideals evolved in our culture from ancient times :

सह नाववतु। सह नौ भुनक्तु। सह वीर्यं करवावहै।
तेजस्वि नावधीतमस्तु। मा विद्विषावहै। ऊँ शांतिः, शांतिः, शांतिः।

May He (God) protect us both together; may Re nourish us both together; may we work conjointly with great energy; may our study be vigorous and effective; may we not hate anyone. Let there be peace, peace and peace.

Again in Bhagavadgita, Chapter XII-13-14, Lord the Krishna lays down the proper code of conduct by saying that a person who observes such a code of conduct is dear to Him. It reads:

अद्वेष्टा सर्वभूतानां मैत्रः करुण एव च।
निर्ममो निरहंकारः समदुःखसुखः क्षमी।।
संतुष्टः सततं योगी यतात्मा दृढनिश्चयः।
मय्यर्पितमनोबुद्धिर्यो मद्भक्तः स मे प्रियः।।

The person who hates none, who is friendly and has compassion for all, who has no selfishness and ego, who , maintains balance of mind in pain and pleasure, who has contentment, is steady in meditation, self controlled, and firm in his decision, who is dedicated to me, and who is my devotee is dear to me.

Every one of the qualities indicated is general in nature. Surely cultivation of such qualities, elevates the individual to a higher level of humanity. The above mentioned provisions in the Smritis, the Upanishads and the Geeta indicate that secularism par excellence has been one of the elements of the basic structures of Raja Dharma, our constitutional law, from times immemorial.

1.4.2.3 RESPECT FOR WOMANHOOD

Respect for women was another most cherished value of life from times immemorial in Bharat. Women were not considered as an object of physical pleasure by man, but were regarded as divine treasures for family life. In view of the role assigned by nature to mothers, and in view of the fact that the mother is the dearest person on earth to an individual and in view of the intense love and affection of a mother for her children, and her readiness to make tremendous sacrifices for the sake of her children the mother came to be regarded as God incarnate (Mata Pratyaksha Devatha). Further, as every woman is a potential mother, the cultural value evolved was to treat mother as God and to treat every woman except one's wife, as mother. As a result, every woman and even small girls, are addressed as Ma, Amma etc., which means mother.

This value appears to have been created and cultivated assiduously as an antidote to the sexual propensity of man, for, once the value that every woman is mother is ingrained in the heart of an individual, sinful thoughts of committing any offence against woman gets destroyed. There can be no doubt that inculcating such a value in the hearts of individuals is the greatest protection against the immoral sexual desires of man.

The creation and maintaining of this value is really the most valuable contribution of our ancestors. In fact the main cause for the greatest wars fought on this land namely the Rama-Ravana war and rhe Pandava -Kaurava war was the onslaught on a woman,

Sita and Draupadi respectively. Despite declining moral values in recent years, by and large, the said value is still acting as the greatest safeguard against atrocities on women.

There is a glowing instance in the life of Shivaji Maharaj.

He won Kalyana province and acquired a lot of wealth. Abajipanth, who was the commander of the army who won the war told Shivaji that a beautiful girl had also been captured and he was presenting her to Maharaj. She was a member of the family of the Mughal Subhedar of Kalyan who was defeated in the war. Shivaji said 'you say she is so beautiful, she is equal to my mother. So, I love and respect her. Moreover affording protection to women is Raja Dharma' .Having said so he got her decorated with jewels and rich dress, and she was restored to the defeated Subhedhar who was overwhelmed and realised the importance given to the value of respect for womanhood in this land.

Manusmriti mandates in the following verse that highest respect and regard must be extended to women.

यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः।।
यत्रैतास्तु न पूज्यन्ते सर्वास्तत्राफलाः क्रियाः।।

शोचंति जामयो यत्र विनश्यत्याशु तत्कुलम्।
न शोचंति तु यत्रैता वर्धते तद्धि सर्वदा।।
जामयो याति मोहानि संपत्य प्रतिपूजिताः।
ताति कृत्याहतानीव विनश्यंन्ति समन्वतः।।

MANU 3(56)-(57)-(58)

Gods are pleased, with the house in which women are respected, in that house in which women are insulted and are made to suffer, every thing done is sure to go waste.

If in a house daughter,1he daughter-in-law, and the sisters 'and other women suffer, that house is sure to be destroyed. The house in which such women live happily, secures wealth and happiness.

The family in which the wife, the daughter, the sister and the daughter-in-law, etc, are not respected and in which they suffer from insult, is sure to be destroyed.

Hence, men who seek (their own) welfare should always honour women on holidays and festivals with gifts, good attire and dainty food,

स्त्रियां तु रोचमानायां सर्वं तद्रोचते कुलम्।
तस्यां त्वरोचमानायां सर्वमेव न रोचते।
सुवासिनीः कुमारंश्च रोगिणो गर्भिणीः स्त्रियः।
अतिथिभ्योग्र एवैतान् भोजयेदविचारयन्।।

MANU-III-62-114

The house in which women folk are decorated with dress and jewellery, shines, otherwise, the house is sure to suffer.

Recently married daughters, as well as daughter-in-law, young girls as also pregnant women should be served with meals even before the guests.

The above verses impress that any person who wants happiness at home and who desires that his family should prosper, and should secure enjoyment of life, must respect women always, There can be no doubt that the house in which husband and wife have mutual love and affection always secures happiness and good results and is really equal to heaven; the house in which women are insulted and harassed, becomes a hell.

The above verses also indicate the utmost consideration given to women in Manusmriti. The normal duty of Grihastashrama{the state of the house holder) is to feed guests first and only thereafter the owner of the house, his wife and other members of the family have to have food. The above provision shows that a young daughter who had been recently married and a young daughter-in-law as also young girls and pregnant women were given such an importance and priority in that they were to be provided with meals even earlier than the guests. This indicates the highest concern shown to women in view of their great importance to the happiness of the family.

However, there is a verse on the basis of which Manu Smriti is criticized and condemned as being against women. It reads:

पिता रक्षति कौमारे भर्ता रक्षति यौवने।
रक्षन्ति स्थविरे पुत्रा न स्त्री स्वातन्त्र्यमर्हति।।

MANU-IX-3

The father protects the girl in her childhood, the husband protects her after marriage and her sons protect her in old age. At no stage should a woman be left free.

On the basis of the last part of the above verse, without reference to the earlier parts and other verses in Manu Smriti, referred to earlier, the criticism levelled against Manu Smriti is that it wanted women to live like slaves of man through out their life.

Nothing can be farther from the truth. It is a matter of common knowledge that in most of the families, except those of people who are uncultured and who fall into bad habits, particularly those who have become alcohol addicts, the women are not only respected most, their advice in every matter concerning the family prevails and even now it is so. They shape the fortunes of the family. Therefore, the true meaning and purpose of the above verse is that a woman requires and is entitled to protection in every stage of life. Correspondingly it is the duty of the father, .the husband and the sons to look after the daughter, the wife and the mother respectively. It is the duty of the father to look after his daughter with all care, educate her having due regard to her aptitude including in arts

and crafts and music and celebrate her marriage. Thereafter the fundamental duty and responsibility to maintain and protect her stand shifted to her husband, and thereafter when her sons become aged, that duty gets shifted to the sons. In fact protection and care is essential to male children as well as aged fathers. However, special provision is made for women. Therefore, the real intention of the verse is to declare the obligation of the father, husband and sons to maintain and protect the daughter, the wife and the mother respectively. It is not a directive to subjugate or dominate them. Therefore to interpret the verse to the effect that a woman must be treated as a slave by her father during her childhood, and by her husband after her marriage and by her sons in old age, and that she should be deprived of freedom throughout her life is wholly erroneous and perverse. A few illustrations will make the above aspect clear :

By nature womanhood is tender and requires protection. For instance, one can afford to send a boy to the house of a teacher or another person for education and ask him to stay with him for ten or twelve years, i.e., until he completes his education. Ordinarily this cannot be done in the case of a girl. Doing so would be a dereliction of duty. She requires special care, protection and arrangement for her education.

If the parents desire to send their son to a far off place for higher studies, it would be sufficient for them to give an introductory letter to a person known to them or to get a letter from a friend of theirs to a person known to him and ask the boy to go and get in touch with the said person and secure the necessary help from him and to continue his higher education at such a distinct place. But, can this be done in the case of a daughter? Certainly not. Even with the advancement of civilization, most of the parents will be unwilling to send their daughters alone to a distant place for higher education with an introductory letter to anyone and asking her to contact some one and make her own arrangements. In the nature of things, it is impossible, and improper as also dereliction of duty. Therefore, whenever, a girl is to be sent for higher education to a distant place, the parents also accompany her and only after making proper arrangements for her stay and ensuring full protection to her, they come back. This is the essential difference between man and woman.

Another illustration would be of great assistance. In a number of cases, in which poor boys go to distant places for study, in the absence of electric lights in the rooms in which they secure accommodation they go to public parks or to public buildings during night time and continue their studies late into the night at such places or till the small hours of the morning, and come back to their place of residence. Is it possible for a girl to do so? The answer obviously is in the negative.

The above illustrations are not exhaustive. There are many situations in which the women/girls require greater care, protection and security.

It is such a difference flowing from the nature of women, who are vulnerable to various kinds of onslaughts when left unprotected which is the basis for the above verse of Manu Smriti, It does not mean that woman must be kept without freedom. Such an

interpretation runs counter to the verse, which says that the house in which women are insulted and shed tears gets destroyed. The above true meaning of the verse becomes more clear when it is read with another provision in Manu in which the highest respect is required to be given to women.

उपाध्यायान्दशाचार्य आचार्याणं शतं पिता।
सहस्त्रं तु पितृन्माता गौरवेणातिरिच्यते।।

MANU II-145

> *The acharya is more venerable than a Upadhyaya (teacher). father is more venerable than an acharya. But the mother is more venerable than the father.*

A combined reading of the verses quoted above indicate that women were placed at a higher position. The above verse in Manu indicates that while the teacher is to be placed at a higher level, the father is to be respected more than the teacher and no place, no status which is higher than that of the mother is given to any one. These verses should be read with the earlier verse. So the real meaning is, the women should be honoured and protected. It is a humane and a duty-oriented provision, the mandate to provide security. This should not be misunderstood as making her life insecure. She should not be left open to attack by men with evil propensities, it does not mean her freedom should be jeopardised. Any meaning given to the verse to the effect that women should be denied freedom at every stage is perverse as it would be totally inconsistent with the other verses. For, if women are denied freedom and they are kept under subjugation they are bound to be in grief and tears, and as a consequence the happiness of the family disappears. Hence, a meaning consistent with the above verses alone is appropriate.

An analysis of many other provisions concerning women in the Smritis indicate that except that, on account of the social system under which a daughter, after marriage, was to become a member of her husband's family, no share in the ancestral property of the father was provided for her by birth, in every other respect special provisions had been made in favour of women. They are:

1.4.2.3.1 Rights of women members of joint family

Though women were not admitted to the membership of coparcenary, they were members of the joint family and the law gave them the right to a share equal to one fourth of the share of the brothers at partition though they were not given the right to compel partition.

1.4.2.3.2 Misuse or dependence of the property of women prohibited

न कन्यायाः पिता विद्वान्गृहणीयाच्छुल्कमण्वपि।
गृह्यŒछुल्कं हि लोभेन स्यान्नरोऽपत्यविक्रयी।।
स्त्रीधनानि तु ये मोहादुपजीवन्ति बान्धवाः।
नारीयानानि वस्त्रं वा ते पापा यान्त्यधोगतिम्।।

MANU III-51-52

No father who knows (the law) must take even the smallest gratuity for his daughter; for a man who, through avarice, takes a gratuity, is a seller of his offspring.

But those (male) relations, who in their folly live on the separate property of women, (Ex: appropriate) the beasts of burden, carriages, and cloths of women, commit sin and suffer a downfall.

In view of the greater chances of exploitation of childhood and youth resulting in moral and material abandonment indulged in by those who care only for earning money through unhealthy and obscene magazines and books and audio visual equipments, now it is becoming clear only women can save childhood and youth from such exploitation. It is this aspect which is the basis of the verses in Manu.

Even now when civilization has advanced greatly and women 's performance in every field of activity is excellent, - in many cases they have surpassed men, their responsibility to be mothers and to look after the interests of children and to make them good citizens has not decreased but has increased. Still on account of the evil propensities of man towards women, they require protection against onslaught. We are seeing that atrocities on women are increasing day by day. Obscenity is spreading like wild fire through business advertisements and in various other ways. Women 's organisation are craving for protection.

1.4.2.3.3 Right of Wives

यदि कुर्यात्समानंशान्पत्न्यः कार्याः समांशिकाः।
न दत्तं स्त्रीधनं यासां भर्त्रा वा श्वशुरेण वा।।

YAJ.III15:

Wives are entitled to a share equal to that of sons at a partition. But the share is liable to be reduced by the amount of stridhana given by the husband or the father-in-law, if any, in their possession.

This rule recognised the right to share in favour of a wife and if there was more than one wife, all the wives were entitled to equal shares. The amount of Stridhana to be

taken into account for the purpose of reducing the share was only that which was given by the husband or the father-in-law.

1.4.2.3.4 Right of mothers

समांशहारिणी माता।

Mother is an Equal Sharer

समांशहारिणी मातेति वचनात् मातृपदस्य जननीपरत्वात् न
सपत्नीमातृपरत्वमपि। सकृत् श्रुतस्य मुख्यगौणत्वानुपपत्तेः।

The expression 'mother' includes the step-mother, i.e., the other wives, if any, of the father. Their share was, however, liable to be reduced to the extent of stridhana in their possession.

SMRITI CHANDRIKA P.624:

Because of this rule, the rights of paternal grandmother or step-grandmother were also similar.

1.4.2.3.5 Rights of daughters

Daughters, whose marriages had taken place before partition, were given no right in the coparcenary property of their parents' joint family. As regards unmarried daughters, a share in the coparcenary property was recognised.

स्वेभ्योंऽशेभ्यस्तु कन्याभ्यः प्रदधुर्भ्रातरः पृथक्।
स्वात्स्वादंशाच्चतुर्भागं पतिताः स्युरदित्सवः।।

MANU IX 118

To maiden sisters, each of the brothers shall give out of his share, one-fourth part. Those who fail to give shall become patita.

Kat.858, however, while repeating the rule, provides that in cases where the property is small, sons and unmarried daughters should share equally.

The Hindu law governing inheritance and partition of joint family property continues to be in force subject to the modifications brought about by legislations, the latest being the Hindu succession Act, 1955 under which a daughter is an equal sharer along with the son in the property of the father.

1.4.2.3.6 Stridhana

Every property movable or immoveable, given to a woman by anyone constitutes her own absolute property. The rule of succession to Stridhana was that it would go to

daughters, to the exclusion of the sons and, to the sons only in the event of there being no daughters.

1.4.2.3.7 Exception to women's property from the law of adverse possession

The provision of the law regarding perfecting title to immoveable property by adverse possession was very strict. Only after three generations could adverse possessions be pleaded, but in respect of property belonging to women no adverse possession could be pleaded at all at any time.

1.4.2.3.8 Special provision in favor of women regarding quantum of penalty

In case of all offences only half of the punishment prescribed for man should be imposed on a woman (Katyayana-487)

1.4.2.3.9 Death sentence for rape of a woman under custody

Capital sentence for committing the offence of rape against a woman arrested, by an officer of the state, was prescribed (vide Kautilya Arthasastra p.256)

The requirement of such severe punishment was recognised and section 376 of the I.P.C. was amended by Criminal Law Amendment Act, 1980, by which penalty of rigorous imprisonment of ten years is prescribed for the offence of the rape of a woman.

The above provisions in the smritis are referred to in this book in order to dispel the doubts created by some critics who argue that, according to Manusmriti, women were not entitled to freedom, and to show that on the other hand greater protection was given to women in our laws. In fact, by placing the entire burden of maintaining the women on the father, the husband, and the son, the law totally freed her from earning and from contributing to the maintenance of the family, leaving her free to dedicate her entire time and energy to the upbringing of children, which was by itself an onerous responsibility.

This exposition can be completed best by quoting what Kerry Brown has stated in his book, "The Essential Teachings of Hinduism", having ascertained the real meaning of the controversial verse in Manu.

> *In Hinduism a woman is looked after not because she is inferior or incapable but, on the contrary, because she is treasured. She is the pride and power of the society. Just as the crown jewels should not be left unguarded, neither should a woman be left unprotected. No extra burden of earning a living should be placed on women who already bear huge responsibilities in society; childbirth; child care, domestic well being and spiritual growth. She is 1he transmitter of culture to her children.*

The important role assigned to women has been correctly identified. It is no doubt true that times have changed, we have women who are competent in various professions, avocations, competent in business, who are competent political rulers, bureaucrats, technocrats, advocates, judges and so on. But that is no reason to lose sight of the onerous responsibility of women of looking after the health and education of children or to forget the noble value of looking upon every woman as one's mother as that is the only powerful antidote for atrocities against women.

1.4.2.4 SAMANATA (EQUALITY)

The Vedas constituted the primordial source of Dharma. The Charter of Equality (Samanta) incorporated in the Rigveda, the most ancient of the Vedas, and in the Atharvanaveda are worth quoting.

अज्येष्ठासो अकनिष्ठास एते
सं भ्रातरो वावृधुः सौभगाय।।

No one is superior (ajyestaso) or inferior (akanishtasa). All are brothers (ete bhrataraha). All should strive for the interest of all and should progress collectively. (sowbhagaya sam va vridhuhu).

Article 1 of the Universal Declaration of human rights reads thus:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The above said verse of Rigveda is almost similar though most ancient.

समानी व आकूतिः समाना हृदयानि वः।
समानमस्तु वो मनो यथा वः सुसहासति।।

RIGVEDA – MANDALA – 10, SUKTA-191, MANTRA-4
(Concluding part of Rigveda)

Let there be oneness in your resolutions, hearts and minds. Let the strength to live with mutual co-operation be firm in you all.

समानी प्रपा सह वोन्नभागः।
समाने योक्त्रे सह वो युनज्मि।
अराः नाभिमिवाभितः।।

ATHARVANAVEDA – SAMJNANA SUKTA

All have equal rights to articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together in harmony supporting one another like the spokes of a wheel of the chariot connecting its rim and the hub.

These Vedic provisions forcefully declare equality among all human beings. The last of them impresses that just as no spoke of a wheel is superior to another, no individual can claim to be, or regarded as, superior to others. This was the grand concept of equality in this country at the earliest period of civilization. However, we see a few patently discriminatory provisions in the Smritis in the matter of imposition of penalties and the division of the society, which came to be called 'Hindu' for historical reasons, into innumerable castes, some of them claim to be superior to others with varying customs and usages which have brought about inequality, resulting in discrimination against certain classes of people The worst of it is the practice of untouchability with all the incidental inhuman and humiliating treatment meted out to those who were regarded as 'untouchables'. So the question that naturally arises is, were all these sanctioned by Dharma? It is not so. The very expression Dharma is opposed to and inconsistent with any such social inequality. The relevant provisions of the Shruti (Vedas) leave no room for doubt that discrimination on the ground of birth or otherwise had no Vedic sanction; on the other hand such discrimination was plainly opposed to vedic injunction. Discrimination of any kind is, therefore, contrary to Dharma. It is really Adharma. It should however be pointed that though society had been divided some time later, on functional basis, into four Varnas (Chaturvana) namely 1. Brahmanas, the class of persons taking to teaching and other learned professions; 2. Kshatriyas, warriors and the ruting class; 3. Vyshyas, the class of persons undertaking trade, commerce and agriculture and 4. Sudras, the class of persons rendering another essential services to the society, the superiority or inferiority of an individual does not seem to have been determined by birth in anyone of these classes, For instance, Valmiki and Vyasa, the authors of the two great epics, the Ramayana and Mahabharatha, who are regarded as the greatest poets, writers and philosophers of the country and who are held in the highest esteem down to this day by all sections of the society, belonged to the fourth and the second varna, respectively. This is also the case as regards the heroes of these two great epics. Raffia, belonging to Kshatriya class, because of his superb qualities as a man and as an ideal ruler, has won a place in the hearts of one and all for ever. So too Krishna, the greatest of diplomats and warriors, and a great teacher, being the propounder of the immortal Bhagvadgita. Both these are adored and worshipped by all sections of the society as incarnations of God Himself.

At a still later point of time, in the long meandering course of our history, society got divided into innumerable castes and sub-castes on the basis of occupations, vocations or trade or business. The evil of discrimination as high and low among men, on the basis of birth, hereditary avocations and other considerations, raised its ugly head and the pernicious practice of untouchability with all its degrading implications came into existence, However, all right-thinking persons and social reformers have been fighting against these evils which were afflicting society. Mahatma Gandhi, the greatest of such reformers, had as his life's mission the total abolition of untouchability, and toiled in that direction. In spite of such divisive and undesirable customs, the love for the country and its culture, the common heritage and aspirations of our people, and the basic tenets of dharma have held us together and there has always been unity despite diversity in the country. This was refurbished during our struggle for freedom when everyone fought for

it unitedly. On account of the continuing crusade by social reformers against these evils and the bond of oneness regenerated during the freedom struggle, the evil of casteism has substantially declined.

In view of the above vedic declarations, the various discriminatory provisions in the Smritis arid other customs have to be regarded as invalid being opposed to the Shruti and set aside as inconsistent with Dharma, which alone is of eternal value, just as in modern constitutional law, provisions of laws enacted by legislatures are set aside if they are inconsistent with the Constitution. In fact Vyasa Smriti expressly provided that whenever there is conflict between the provisions in the vedas (shruti) and those in smritis or puranas (including custom or usage) what is declared in the veda alone should be accepted. The provisions in the smritis or custom, which ran counter to the Shruti was Adharma and invalid.9 Manu Srnriti also incorporated the following directive vide Ch.IV-176:

परित्यजेदर्थकामौ यौ स्यातां धर्मवर्जितौ।
धर्मं चाप्यसुखोदर्कं लोकविक्रुष्टमेव च।।

Discard wealth (artha) or desire (kama) if it is contrary to Dharma ***as also any usage or custom or rules regarded as source of Dharma if at any time they were to lead to unhappiness or arouse people's indignation".***

Our constitution has discarded undesirable customs and practices and has re-established Dharma in the real sense of that expression by tabooing the aforesaid social evils. It confers the right to equality (vide Articles 14, 15 and 16) and abolishes untouchability (vide Article 17).

It is therefore, the duty or Dharma of every individual to obey these provisions in letter and spirit in thought, word and deed which will foster the feeling of fraternity and ensure the dignity of individuals.

1.4.2.5 GRATITUDE (Kritajnata)

To have a feeling of gratitude towards persons and other living beings who/which have been helpful to us, is another value of our national life. It is this feeling which is the basis ~ custom of worshipping animals, and plants as also Ayudha Pooja, i.e., worshipping one day in year all the implements or instruments through which we earn our lively hood. It is the same feeling which had led to the prohibition of slaughter of cows, calves, oxen, bullocks -as the cows give milk which sustains us, from childhood till death. We worship the cow as 'Gomata' (Mother Cow). Kautilya in his Artha Sastra made a specific provision banning cow slaughter. It reads:

वत्सो वृषो धेनुश्चैषामवध्याः।

Cattle such as calves, bulls or cows, shall not be slaughtered.

Yajnavalkya Smriti (VI 234) also declared Govadha (Killing of a cow) as an offence. It is this value which has found its way into article 48 of the Constitution of Bharat, which makes it obligatory for the state to make a law prohibiting cow slaughter.

1.4.2.6 COMPASSION

To have compassion towards all living beings, including human beings was considered as the root of 'Dharma' .Every one was asked to look towards other living beings as his ownself (Atmavat Sarvabhutanam). The Smritis declared that cruelty to animals was a punishable offence. There is also a custom to give a weekly holiday to bullocks. In the Mahabharatha, Raja Rantideva, declares:

कामये दुःखतप्तानां प्राणिनामार्तिनाशनम्।

My desire (as the) highest Dharma is to wipe out the tears from the eyes of living beings in distress.

Basaveshwara, the great 12th Century Reformer declared "Compassion is the root of Dharma; bereft of compassion, there is no Dharma".

1.4.2.7 SIMPLE LIFE -SPARING USE OF NATURAL RESOURCES

It is the desire of all human beings to enjoy life, and to secure happiness. The question however examined by the ancient Bharatiya thinkers has been how to secure it. Is it by increasing the wants or limiting the wants1 They opted for the latter and incorporated it in the first verse of Ishavasyopanishad. It reads:

ईशावास्यमिदँ सर्वं यत्किŒच जगत्यां जगत्।
तेन त्यक्तेन भुŒजीथाः मा गृधः कस्य स्विद् घनम्।।

All we find in this ephermeral world are created by God. Let us use them only to the minimum extent and let us not snatch the wealth belonging to another.

Swami Vivekananda who rejuvinated and propagated the greatness of Dharma, said thus:

Race after race has taken the challenge up, and tried their utmost to solve the world-riddle on the plane of desires. They have all failed in the past; the old ones have become extinct under the weight of wickedness and misery, which lust for power and gold brings in its train, and the new ones are tottering to their fall. (India and Her problems p.12)

He declared that only 'Sacrifice' brings harmony and real happiness.

The life of Mahatma Gandhi, the greatest personality of this century, has been the manifestation of the above principle. He said:

> *Civilization, in the real sense of the term, consists not in the multiplication, but in the deliberate and voluntary restriction of wants. This alone promotes real happiness and contentment.*
>
> *A certain degree of physical harmony and comfort is necessary, but above a certain level it becomes hindrance instead of help. Therefore, the ideal of creating an unlimited number of wants and satisfying them seems to be a delusion and a snare. The satisfaction of one's physical needs must meet at a certain point a dead stop, before it degenerates into physical voluptuousness. A man must arrange his physical and cultural circumstances so that they do not hinder him in his service of humanity on which all his energies should be concentrated.*

The Supreme Court of India, in its celebrated judgment in Sachidananda Pandey V s. State of West Bengal (1987 (2) S.C.C. 295) dealing with the importance of environment quoting a German Philosopher, said thus:

> *Let us not, however, flatter ourselves overmuch on account of our human victories over nature. For each such victory nature takes its revenge on us. Each victory, it is true, in the first place brings about the results we expected, but in the second and third places it has quite different, unforeseen effects which only too often cancel the first.*
>
> *Ecologists are of the opinion that the most ecological and social problem is the widespread disappearance allover the world of certain species of living organisms. Biologists forecast the extinction of animals and plant species on a scale that is incomparably greater than their extinction over the course of millions of years. It is said that over half the species which became extinct over the last 2000 years did so after 1900. The International Association for the Protection of Nature and Natural Resources calculates that now, on average, one species or sub-species is lost every year. It is said that approximately 1000 bird and animal species are facing extinction at present. So it is that the environmental question has become urgent and it has to be properly understood and squarely met by man.*

The world is awakening now, having seen the disastrous consequences of overexploiting of natural resources and there is a great movement for preserving and protecting natural resources. We have to fall back on the directive in the Ishavasyopanishad in order to ensure justice to posterity.

1.4.2.8 SERVICE OR PAROPAKARA

Great importance was attached to service to others. This value is brought out with illustration in the following verse:

परोपकाराय फलन्ति वृक्षाः
परोपकाराय वहन्ति नद्यः
परोपकाराय दुहन्ति गावः
परोपकारार्थमिदम् शरीरम्।।

The trees bear fruits to serve others. The rivers flow to serve others Cows give milk to serve others. This human body is meant to serve others.

This value inspires every individual to serve society through every profession or avocation. It impresses that, as rivers serve others, and animals and plants serve others, and are not selfish; man being the highest form of life should not lag behind in serving others; not merely human beings, but all living beings.

1.4.2.9 TYAGA -SACRIFICE

This is another cherished value of our national life. Subordinating smaller or self - interest to a larger interest, even at the cost of some inconvenience and suffering is Tyaga. This principle is found incorporated in Hitopadesha.

त्यजेदेकं कुलस्यार्थे ग्रामस्यार्थे कुलं त्यजेत्।
ग्रामं जनपदस्यार्थे आत्मार्थे पृथिवीं त्यजेत्।।

Sacrifice/subordinate, individual interest to that of the family. Sacrifice/subordinate, family interest to that of the village Sacrifice/subordinate, the interest of the village to that of the nation.

Renounce all worldly interest if you want your soul to rest in peace.

The last one is spiritual and concerns those who believe in Swarga and Moksha (liberation) from rebirth. But the first three concern life in this world.

This has inspired individuals and national life. Every individual works hard and takes all trouble not with purely selfish interest but to secure the happiness of all those who depend on him, this wife, children, aged parents, sisters, and brothers as he feels for them and considers that he has a duty towards them and that their interest is his own interest. Similarly, if an individual is also made to realise that all his brethern also belong to his larger family, and he has the duty to serve them, he makes enormous sacrifice for the nation.

Swami Vivekananda recounted that renunciation and service have been our main national ideals. In this regard he said:

The National ideals of India are renunciation and service. Intensify her in those channels, and the rest will take care of itself.

The Indian nation cannot be killed. Deathless it stands, and it will stand so long as that spirit shall remain as the background, so long as her people do not give up their spirituality.

Aye, a glorious destiny, my brethern, as far back as the days of the Upanishads we have thrown the challenge to the world -'Na dhanena na prajaya tyagenaike amritatwamansshuh - not by wealth, not by progeny, but by renunciation alone immortality is reached'. Race after race has taken the challenge up, and tried their utmost to solve the world-riddle on the plane of desires. They have all failed in the past –the old ones have become extinct under the weight of wickedness and misery, which lust for power and gold brings in its train, and the new ones are tottering to their fall. The question has yet to be decided whether peace will survive or war; whether patience will survive or non-forbearance; whether goodness will survive or wickedness; whether muscle will survive or brain; whether worldliness will survive or spirituality.

This is the theme of Indian life-work, the burden of her eternal song, the backbone of her existence, the foundation of her being, the raison d'etre of her very existence –the spiritualization of human race. In this her life course she has never deviated whether the Tartar ruled or the Turk, whether the Moghuls ruled or the English". (India and Her Problems - pp.lO, 12-13)

We have to resurrect this ideal.

1.4.2.10 WORLD IS ONE FAMILY

Though it is natural that for historical, cultural civilizational, linguistic reasons there had always been many nations/states, the basic philosophy that all living beings are children of God is deep rooted. Therefore, anyone who considered some one as his own and others not as his own, was dubbed as petty minded. This value is expressed in the Hitopadesha.

अयं निजः परो वेति गणना लघुचेतसाम्।
उदारचरितानां तु वसुधैव कुटुम्बकम्।।

Those who think "He is mine", "He is not", are petty minded". Those who are large hearted regard the world as one family.

If the people constituting different nations understand this value, and act ill that spirit, there will be friendly and harmonious relationship among the nations of the world, and the enormous defence budget of all the nations can be drastically reduced and humanity will enjoy greater happiness.

Thus our national stream continued to flow even during foreign rule, because for us national idealism was primary, and statehood, political power was secondary. It is through this cultural bond that we the people of this country became a nation and are surviving as a nation.

This aspect has been forcefully brought forth by the Supreme Court in the case of Pradeep Jain Vs. Union of India (A.I.R. 1984 S.C. 1420), while expounding the basis which has made the people living in this vast sub-continent a nation, in the following words:

> *The history of India over the past centuries bears witness to the fact that India was at no time a single political unit. Even during the reign of the Maurya dynasty, though a large part of the country was under the sovereignty of the Maurya kings, there were considerable portions of the territory which were under the rule of independent kingdoms. So also during the Moghul rule which extended over large parts of the territory of India, there were independent rulers who enjoyed political sovereignty over the territories of their respective kingdoms. It is an interesting fact of history that India was forged into a nation neither on account of common language nor on account of the continued existence of a single political regime over its territories but on account of a common culture evolved over the centuries. It is cultural unity -something more fundamental and enduring than any other bond which may unite the people of a country together -which has welded this country into a nation.*

Thus, it is the samskriti (culture) which was evolved in this country from times immemorial which not only welded the people of this country into a nation but also made it invincible and consequently the country has survived, despite all sorts of onslaughts to which it was subjected to from time to time during the last nearly one thousand years.

Sarvajna Narayana in his "Hitopadesha" (words of wisdom) in his inimitable style expounds the distinction between human beings and animals and says that man's legitimate claim to superiority over the animals would be valid only if he conforms to Dharma. The verse reads:

आहारनिद्राभयमैथुनंच।
सामान्यमेतत् पशुभिर्नराणाम्।
धर्मो हि तेषामधिको विशेषो
धर्मेण हीनाः पशुभिस्समानाः।।

Consumption of food, sleep, fear, and enjoyment of sex are common to man and animal. But, 'Dharma' is a special attribute of man. Bereft of 'Dharma', man is equal to anima1.

Therefore everyone should conform to dharma (right conduct). Otherwise he is no better than an animals.

With this backgroupd if we examine the values of life evolved in Bharat which are collectively called Dharma, they are of universal application. It is Manava Dharma, also now coloquially called Hindu dharma, which is the name given by those belonging to Islam religion who came to this land around 1000 A.D. ; in view of its origin in this land; which they called Hindustan. It is no religion. Instruction in those values would not constitute religious instruction. This position can be made clear by posing the following question:

Whether the rules of Dharma that :

1. Everyone should tell the truth;
2. No one should indulge in violence against other living beings;
3. No one should acquire illegitimate wealth;
4. Every one should establish control over his senses;
5. There should be purity in thought, speech and deed;
6. Everyone should render service to other individuals;
7. Every one should eschew selfishness and greed.
8. The world should be regarded as one family,

can be regarded as applicable to persons belonging to any particular religion? The answer must be in the negative. The above values which originated in this country are applicable to all human beings.

Ingraining these values, in every individual through education is the only solution to the evil which the world including our country is now facing.

The correct approach therefore is that irrespective of the religion to which the citizens of this country belong, arid practice, which they have the right and liberty, the great values of life evolved from times immemorial in this country which are of eternal value and which alone call ingrain character and love towards other human beings and also all the living beings is our rich heritage, should be inculcated in all citizens.

All the values of life evolved in this land are collectively called Dharma or Sanatana Dharma and their practice gave rise to our culture, 'the Bharatiya Samskriti' This also came to be known as Hinduism (Hindutva) for historical reasons as stated by Kerry Brown in his celebrated work "The Essential Teachings of Hinduism". He says:

"The term "Hindu" was first used by the medieval Muslim invaders to describe the dwellers of the Indus valley. But the culture we now know as Hinduism and which the Indians call Sanatana Dharma -Eternal law predates that label by thousands of years. It is more than a religion in the doctrinal sense that the west understands religion. One can believe in any God or no God and still be a Hindu. It is away of life, a state of mind".

It is this culture, which comprises our values of life. The resurrection of these values alone provides the remedy for all the ills afflicting our National life as also humanity.

Even in the face of such noble ideals, and large heartedness, of our nation, estrangement was brought about between a section of the people, viz., the Muslims and the rest, on the basis of religious intolerance which ultimately resulted in the division of the country into two nations; Hindustan and Pakistan. This injury inflicted on the nation was the price paid for securing political independence. This proved to be very costly.

Despite such unfortunate partition of our Motherland, the deep rooted, unshakable, everlasting principles which are an inseparable part of our civilization and culture, from times immemorial which as indicated earlier is collectively called "Dharma", the people of this part of the country gave secularism a pride of place in our constitution.

A careful study of the provisions of the Constitution shows that the broadest philosophy essential for peaceful co-existence of all the citizens evolved from times immemorial in this ancient land of ours as also the requirement of fostering and ensuring feeling of fraternity among the people and unity and the integrity of the nation, has been given top priority in the constitution. These objectives among others, are summed up in the preamble. It reads:

We the people of India, having solemnly resolved to constitute India into a (sovereign socialist, secular democratic republic) and also to secure to all its citizens;
Justice, social, economic, political, liberty of thought, expression, belief faith and worship;
Equality of status and of opportunity; and to promote among them all;
Fraternity assuring the dignity of the individuals and the unity and integrity of the Nation.

It is the same dharma, which is colloquially called Hindu Dharma or Hinduism just as Bharat is called Hindustan, which has inspired us not to opt for a theocratic state, Just as Rule of Law is said to be the sworn enemy of caprice, **Dharma or Hinduism is the sworn enemy of theocracy**. It is in view of the sway of Dharma that Secularism has been made one of the elements of the basic structure of our constitution. despite Islamic states established in Pakistan and Bangladesh. Therefore, it is clear that so long as Dharma has sway, Secularism survives and it gets destroyed the moment Dharma loses its primacy.

Hence, it is our duty to resurrect, protect and preserve "Dharma" not only to safeguard national interest but also in the interest of humanity as a whole.

1.5 FOUR PIOUS OBLIGATIONS

The Vedas laid down that every individual should discharge three pious obligations. This concept of pious obligations emanated from one of the basic values of life evolved as part of Dharma, namely, "Gratitude", in that every individual has an obligation to the source from which every type of benefit was received by him including his own coming into existence. The three pious obligations were (1) Towards God (Devaruna), (ii) Towards Parents (Pitruruna) and (iii) Towards Rishis (Rishi Runa). In fact the entire ancient law evolved in this country was based upon the principle of three debts. Subsequently Vyasa, who is regarded as Adi Guru and as the greatest intellect, who classified the Four Vedas and who is also the author of the Great Epic Mahabharata, which includes the Bhagwadgita, considered that the three pious obligations were not complete, He added the fourth pious obligation namely towards Human Society (Manavaruna). The inclusion of the fourth pious obligation is the most remarkable contribution of Vyasa. In view of his being the 'ocean of knowledge' and on account of the intellectual heights he reached, the nation pays obeisance to him down to this day by observing 'Vyasa Poornima' as Gurupoornima.

The relevant verses in Mahabharata, in which these four pious obligations have been indicated are in Adiparva Ch. 120- 17-20:

ऋणैश्चतुर्भिः संयुक्ता जायन्ते मानवा भुवि।
पितृदेवर्षिमनुजैर्देयं तेभ्यश्च धर्मतः।।
यज्ञैस्तु देवान् प्रीणाति स्वाध्यायतपसा मुनीन्।
पुत्रैः श्राद्धैः पितृंश्चापि आनृशंस्येन मानवान्।।

Every individual should discharge four pious obligations. They are Devaruna (towards God), Pitruruna (towards parents), Rishiruna (towards teachers) and Manavaruna (towards humanity).

A man should discharge Pitruruna by maintaining continuity of the family, Devaruna by worship of God, Rishiruna by the acquisition and dissemination of knowledge, and Manavaruna by every type of social service.

Thus the method by which the four pious obligations were required to be discharged were also indicated.

1.5.1 *Devaruna* The pious obligation towards God, the Creator:

Was required to be discharged by worshipping God in various forms, and performing sacrifices (Yajna). No name of God was specified and no particular form of worship was prescribed. Thus, even when this pious obligation towards God was prescribed with the object of discharging gratitude of an individual for bringing him to life as a human being, providing with him all the physical and intellectual capacities and

also providing Nature for his benefit, it was left to the choice of the individual to worshiped God in what ever form he pleased. It is for this reason that in this country limitless names of Gods and limitless modes of worship came into existence depending upon the fertile imagination of individuals. There was no indoctrination. As a result, individuals began to worship God in the manner it pleased them. This type of worship of God came to be known as "Worship of Ishtadevata" (God of one's liking). Apart from this, plants and animals and even inanimate objects were also regarded as incarnation" of God and people began to worship them according to their own liking. The basis of worship of God in whatever manner one pleases is again the expression of the sense of gratitude. Apart from this such worship develops a sense of God fearing in the individual. This constitutes an internal check against causing injury to other individuals and also to other living beings, in the belief that it would amount to inflicting injury on God himself.

Anyone who is not conversant with the total freedom given to individuals to worship God in any form thinks that the people in this country believe that there are crores of gods, though actually God is only one and therefore, such a belief as to the existence of crores of gods is fanciful or even foolish. But actually every one in this land believes that God is one irrespective of the innumerable names by which he is worshipped on different occasions and for different purposes.

This broad outlook is found incorporated in the following verse:

यं शैवाः समुपासते शिव इति ब्रह्मोति वेदांतिनो
बौद्धा बुद्ध इति प्रमाणपटवः कर्तेति नैय्यायिकाः।
अर्हन्नित्यथ जैनशासनरताः कर्मेति मीमांसकाः
सौऽयं नो विदधातु वाŒछतफलं त्रैलोक्यनाथो हरिः।।

May the Lord of the universe, whom the Shaivas call and worship as Shiva, the Vedantins as Brahma, the boudhas as Buddha, the Logicians as Kartha, the Jainas as Arhat, and the Jurists worship as 'Karma' fulfill the desires of all.

Obviously, this verse referring to different modes of worship of God by different names, by persons belonging to different religions founded in this land was composed before the advent of other religions to this land. But it covers worship of God as Allah by Muslims, as Lord or Father by Christians and by any other names by persons belonging to any other religion.

But it declares that the truth is, despite the fact that God is worshipped by apparent innumerable names and despite the apparent belief that there are crores of gods, God is one. That is the firm belief of all in this land. This becomes evident if, an ordinary man or woman of this country is asked how many Gods are there, one will get only one answer from all, that "God is One". The fact that people worship God giving innumerable names to Him only establishes that there is perfect and absolute religious freedom and

democracy in this country and no one is compelled to worship God in any particular manner. Religious indoctrination or dictatorship is taboo in this land, in view of the fact that our society is 'Dharma'-based society which respects every religion.

For this reason, Dharma, regards following of any religion and worshipping God in any manner, as tantamount to discharge of Devaruna. Therefore a follower of Dharma, is ready and willing to pray to God in any place in any form and consequently has least opposition to any form of worship or place of worship. Such is the breadth and width of the vision of Dharma. That is why a preeminent position was accorded to Dharma which in the course of history came to be called Hindu Dharma or Hinduism. In this regard the following excerpts from the book "Dialogues with the Guru" a record of dialogue between a Christain and Jagadguru Sri. Chandrashekhar Bharati, the 33rd Shankaracharya of Sringeri is enlightening:-

> *Hinduism is the name which has now been given to our system, but its real name has always been Sanatana Dharma or the Eternal Law. It does not date from a particular point of time or begin from a particular founder. Being eternal, it is also universal. It knows no territorial jurisdiction. All beings born and to be born belong to it. (p.l)*

Thus irrespective of the religion to which an individual belongs, he is governed by "Dharma" and is entitled to practice any religion of his choice. Therefore it would also be right to call' dharma ' Manava Dharma. It is a code of right conduct to be obeyed by all human beings irrespective of their religions, in order to enable them to live in harmony not only with fellow human beings but also with plant and animal life.

1.5.2 *Pitruruna* Pious obligation was towards one's parents:

The Second Pious obligation was towards one's parents (Pitruruna). Ancestral worship was a part of this pious obligation but not the whole. The Vedas directed every individual to treat his mother and father as gods. This concept itself is so inspiring for, as far as the child born is concerned not only it gets birth from its parents but it is also looked after by its father and mother. The child gets its early nourishment and care from its parents. It is the parents who secure education for the child. Thus, apart from the belief or no belief in the existence of God, the fact remains that the father and the mother are everything for the child. Even on the basis that the God is there, and it is God alone who is looking after the child, he is doing so only through the parents and therefore as far as the child is concerned, the father and the mother are visible manifestation of the invisible God. Again this concept of worshipping the father and the mother as equal to God also flows from the basic value of Gratitude. As one gets birth from the Parents and one gets education from the parents and they shape the life of the children, it was regarded as the duty of the children to worship the father and the mother as equal to God and to look after them in old age. It is this value which has sustained the moral character of the individual and also it is this sense of gratitude, which makes him serve not only the parents but also the brothers and sisters and other dependents who all belong to the same family. It is

therefore laid down that it is the duty of every individual to discharge the pious obligation towards parents.

As part of the pious obligation towards parents, it was the duty of every individual to rear and bring up children in the family tradition and to educate them and impart moral character to them by securing them proper education through teachers and make them good human beings and make them an asset to society. In fact the desire to maintain family reputation without doing anything which is derogatory to that reputation has been an important factor in inculcating honesty and character in many individuals. It is again by the discharge of this pious obligation, that peaceful and moral family life was sought to be established.

In fact the obligation towards parents was also the basis for the concept of the inseparable relationship between husband and wife. It is needless to state that, the husband and the wife cannot discharge the obligation to the parents by merely having children. The children have to be protected against the moral and material abandonment. They were also to be educated in a proper manner and after they come of age, they were also to be inducted into family life. Thus, it was the duty of the husband and the wife to look after their children until they were fully educated and their marriages were performed. In fact, even with all the quality of selfishness, which is the contribution of modern civilization, this duty is being performed in an exemplary manner even now in this country. The discharge of this obligation is impossible unless the husband and the wife remain unitedly through out their life subordinating their personal interests or inconveniences to the well being of their children. If after getting children the parents get divorced and take new spouses one can imagine what the fate of or adverse effect on the children would be. In fact we are seeing such situations and it is alarming and heart rending, The parents so separated will be unable to discharge the pious obligation. Therefore, the idea of discharging of the pious obligation towards parents is also one of the most cherished values of Dharma and this alone provides a valid answer to various innumerable problems arising out of the separation of parents.

1.5.3 *Rishiruna* Pious Obligation Towards The Teachers

This is another cherished value of our ancient culture, and probably the most important, as it enables an individual to discharge the other three pious obligations properly and efficiently. This pious obligation was required to be discharged by the acquisition and dissemination of knowledge. In view of this, it was the duty of every individual to secure proper education, and acquire knowledge, and this had to be done with great effort from the Primary level upto the highest. While money can be acquired by either painstaking effort or by inheritance or through short cut methods or by theft or cheating or misappropriation or by committing some other offence, the only method to acquire knowledge is studying hard, painstaking efforts, concentration of mind and devotion. Knowledge can not be acquired by easy or dubious methods. One may obtain degrees or diplomas by malpractice at or after examinations or otherwise as is happening at present, but not knowledge. This aspect is highlighted in the following verse:

सुखार्थी वा त्याजेद्विद्यां वीद्यार्थी वा त्याजेत्सुखम्।
सुखार्थीनः कुतो विद्या नास्ति विद्यार्थिनः सुखम्।।

If you are after luxury and easy going then forget the desire to secure knowledge.

If you are desirous of acquiring knowledge, then do not go after luxury and easy life during your studentship.

There is no chance for an individual who is after luxury and easy methods of securing knowledge.

There is no room to be luxurious and easy going to one who desires to acquire knowledge.

How true it is. A student who has the desire to acquire knowledge must put in hard labour and great efforts and concentration of mind. A man may become rich or secure wealth by many easy ways including inheritance of ancestral property. But that is not possible in the case of knowledge. **It has to be self acquired only.**

Therefore, to discharge the third pious obligation, namely obligation towards the teacher, one had to make great efforts to acquire knowledge. Further, it was also the duty of an individual after acquiring knowledge to improve or enlarge his knowledge by study and research and disseminate it to Society and to Posterity.

Great importance was attached to the discharge of this obligation. Kishori Lal Sarkar in his Tagore Law Lectures has dwelt at great length upon these pious obligations. In particular regarding the pious obligation towards teacher (Rishiruna) he has stated that this was being discharged faithfully for thousands of years in this country. The remarkable performance of this duty by the ancient society is evidenced by the vast body of knowledge acquired and accumulated in the Vedas, the Puranas and various other invaluable and everlasting literary works.

As to the importance given to education in ancient Indian society it is sufficient to quote the following verse composed by the great Sanskrit poet Bartruhari who flourished around first century B.C.

विद्या नाम नरस्य रूपमधिकं प्रच्छन्नगुप्तं धनं
विद्या भोगकरी यशस्सुखकरी विद्या गुरूणां गुरुः।
विद्या बंधुजनो विदेशगमने विद्या परा देवता
विद्या राजसु पूजिता न तु धनं विद्याविहीनः पशुः।।

Education is the special manifestation of man;
Education is the treasure which can be preserved without fear of loss;
Education secures material pleasure, happiness and fame;
Education is the teacher of the teacher;
Education is one's friend when one goes abroad
Education is God incarnate;
Education secures honour at the hands of the State, not money;
A man without education is equal to animal' .

The Supreme Court in the case of MOHINI JAIN has observed that imparting of education had been regarded as a pious obligation in our culture. The above said verse is quoted in the judgment of the Supreme court in the case of UNNIKRISHNAN to point out that the right to education constitutes part of the fundamental right guaranteed under Article 21 of the Constitution. As every individual has the pious obligation to acquire, and disseminate knowledge, it follows that the right to education as well as the right to impart education constitutes the most valuable fundamental right.

1.5.4 *Manavaruna* Pious Obligation towards Humanity

It stands to the great credit of Vyasa that he considered that the three pious obligations on the part of every individuals laid down in the Vedas required to be supplemented by the fourth, the Manavaruna, to make the obligation of individuals to society full and complete. Vyasa declared that discharging every kind of social obligation to society forms part of the fourth pious obligation. This pious obligation is of great importance and covers every field of human activity. In fact, it is in the discharge of this obligation, that many individuals have rendered yeoman service and have spent considerable part of their wealth for innumerable kinds of social welfare schemes or projects or institutions since time immemorial and continue to do so.

It is on account of this fourth pious obligation, that it is stated that 'Service to Humanity is Service to Divinity'. In fact this obligation supplements the first obligation namely discharging Devaruna. After all every human being and every living being is an incarnation of God and therefore serving living beings is equal to serving God and, therefore, it constitutes a pious obligation and was so declared by Vyasa. It is this aspect which has been highlighted by Swami Vivekananda in the following words:-

> *So long as that millions live in hunger and ignorance, I hold educated man a traitor who, having been educated at their expense, pays not the least heed to them.*

As rightly stated by Swami Vivekananda every individual who has secured all kinds of help from Society and who has secured education through educational institutions established by the society is under an obligation to serve them. If an individual, after securing education from the institutions established by society did not care for them and fails to use his knowledge in the service of society and uses it for

making illegitimate wealth or profit, it is a clear instance of ingratitude and abuse of knowledge and therefore Vivekananda indicted such individuals as traitors, very rightly.

A few illustrations as to how the fourth pious obligation can be discharged are:

(i) Construction of wells or tanks to secure drinkingwater to the public in general.

(ii) Construction of water turfs at public places and on the roadside for the benefit of travellers and for animals.

(iii) Planting of trees on both sides of roads to provide shade or shelter to the travelling public.

(iv) Construction of Dharma Shalas in towns and villages and more particularly at places of Pilgrimages for the use of pilgrims and travellers.

(v). Construction of hospitals for human beings, animals and birds as well as donations for construction of Hospitals or to hospitals already established.

(vi) Construction of buildings for educational institutions, hostels etc.,

(vii) Establishing goshalas to look after cows and bullocks in their old age

(viii) Establishing public trusts and/or endowment for any public cause.

The above are only illustrative and not exhaustive. There are innumerable ways in which an individual can discharge the fourth pious obligation of Manavaruna. It is very large and ever expanding.

It is on account of this pious obligation, Service and Sacrifice (Seva and Tyaga) have become our National Ideals. Everyone of the laws laid down in ancient India was meant to give effect to the pious obligations. Highlighting this aspect K.L. Sarkar stated thus:-

> *In interpreting texts relating to the duties and rights of the Hindus, these principles must always be kept in view, and it should be presumed that all the texts are more or less intended to promote these three classes of duties.*
>
> *The civil law of the Hindus is at every step marked with the influence of the three-debt obligation. Matters of right and status are mixed up with the debt to the gods., viz., that of sacrifice. Privileges are unsparingly conferred on men of learning. Gifts to them are praised as being acts of the greatest merit.*
>
> *Therefore it is clear that whenever two constructions of a text are possible, one tending to the discharge of one or other of the three debts, and the other inconsistent with such discharge, the former construction is to be adopted and not the later.*

In order to impress upon every individual as to how he should conduct himself, at the end of Shikshavalli, (Ch. 1, Lesson-11) advice is given to the outgoing students.

Excerpts from it are reproduced below, which give an idea about the good conduct expected from them throughout their life.

सत्यं वद। धर्मं चर।
सत्यान्न प्रमदितव्यम्। धर्मान्न प्रमदितव्यम्।
मातृदेवो भव। पितृदेवो भव। आचार्यदेवो भव। अतिथिदेवो भव।
यान्यनवद्यानि कर्माणि। तानि सेवितव्यानि। नो इतराणि।
एष आदेशः। एष उपदेशः एतदनुशासनम्।

Speak the truth; follow the prescribed conduct;
Do not fail to pay attention to truth;
Never fail to perform duty
Do not disregard what is proper and good
Treat your Mother, Father and Teacher as equal to God
So also, treat your guest as God
Those acts that are irreproachable alone are to be performed, and not those that are forbidden
This is the directive. This is the advice. This is the discipline to be observed throughout life

[Taittiriyopanishad]

A reading of every one of the directive given to students is highly inspiring and it concludes with the statement that it is the advice (Upadehsa) and it is the directive (Adesha). It is not only a specific injunction to an outgoing student but also a direction to every human being.

Thus the directive to every individual to discharge the four pious obligations is one of the most important values of life which forms part of 'Dharma'.

1.5.5 ASHRAMA DHARMA -FOR HUMAN EXCELLENCE

The individual is the real foundation of a sound society. The general moral standard and quality of a human society or nation are directly proportional to the number of individuals who are well educated and bear good character. The aim of "Dharma" was to mould the character and personality of individuals to produce more number of such individuals.

The four pious obligations indicated above were required to be discharged by an individual throughout his life time. However, all the obligations could not be fully discharged or be given the same importance at all points of time in the life of an individual. Therefore, the life span of an individual was divided into four parts or stages {Ashramas). Explaining the object and purpose of Ashrama Dharma and its applicability to all, irrespective of the varna or class or caste of an individual Pujya Sri. Chandrasekharendra Saraswati Swamiji, the Paramacharya of Kanchi Kamakoti Peetham, said thus:

Ashrama Dharma deals with the conduct of an individual during different stages of his life. In the first stage, as a brahmacarin, he devotes himself to studies in a gurukula. In the second stage, as a youth, he takes a wife, settles down in life and begets children. In the third, as he ages, further, he becomes a forest recluse and, without much attachment to worldly life, engages himself in Vedic Karma. In the fourth stage, he forsakes even Vedic works, renounces the world utterly to become a sannyasin and turns his mind towards the Paramatman. These four stages of life or asramas are called Brahmacarya, Garhasthya, Vanaprastha and Sannyasa.

During each one of these, greater importance was required to be given to one particular obligations while discharging other obligations as well. Briefly stated the period of life of an individual and the purpose pertaining to each of the Ashrama were:

I. Brahmacharyashrama: Importance to acquisition of knowledge and securing physical and moral fitness ie., strengthening of body, mind and intellect.

2. Grihasthasrama : Importance to honest and purposeful married life and family life, earning legitimate income and through it to serve the family and the society.

3. Vanaprasthashrama: Importance to withdrawing from earning activities and devoting oneself more to the service of society.

4. Sanyasashrama : Importance to worship of God by renunciation of worldly desires.

The period, significance and purpose of these Ashramas were:

1. Brahmacharyashrama : After the completion of childhood (around eight or nine years), an individual was required to take to higher education and to maintain celibacy to conserve physical, moral and mental energy and to devote himself to the studies for a period of about twelve to fifteen years. During this period the main obligation of an individual was to acquire knowledge and to increase his knowledge by research. This ashrama was not only intended to earn knowledge to earn for a comfortable life, but also to enable the discharge of one of the pious obligations, 'Rishiruna' (debt due to teachers) namely acquisition and dissemination of knowledge. An individual was also required to cultivate moral character and discipline which would enable him to develop his personality so that he would not only be useful to himself but also to the members of the family and to society as well.

2. Grihasthasrama : In this second stage of life after the acquisition of knowledge or completing education, an individual had to get married and commence family life. During this stage, it was the joint responsibility of husband and wife to lead a pure and simple family life, to maintain sexual morality and to discharge the 'Pitruruna' by

begetting children, educating them and making them good citizens. To do this effectively, they had to adjust to each other and live together. Further it was necessary for an individual to earn his livelihood by legitimate methods and to spend whatever he had earned not only for his benefit but also for the benefit of the other members of the family, and also to utilise his income/resources and energy for the benefit of society having due regard to his capacity and aptitude and thereby discharge the fourth pious obligation namely 'Manavaruna' .Also it was the duty of every individual to serve the society, of which he was part and parcel. It was the special responsibility of those undertaking the teaching profession or literary pursuits to enrich and disseminate knowledge to the younger generation as part of the discharge of Rishiruna -the debt due to teachers.

3. Vanaprasthashrama : The next stage was the Vanaprastha-shrama, (retirement to forest) which meant the life after retirement (around the age of sixty) from profession and avocation. During this period, an individual was required to entrust the family responsibility to his grown up sons/ daughters as the case may be, and to devote himself mainly to the service of the society. During this period an individual was required to discharge his obligation to society, i.e., 'Manavaruna' to a greater extent by rendering various types of social services.

4. Sanyasashrama : The last one was Sanyasashrama, life of a recluse. During this period, the evening of his life an individual was expected to renounce the world completely and turn his mind towards God or Paramatma. During this period the individual was required to engage himself mainly in the worship of God in whatever manner he pleased and discharge the pious obligation of 'Devaruna'.

Thus, the four Ashramas were by and large intended to secure human excellence by requiring an individual to discharge the four pious obligations in an effective manner, and by leading a purposeful life. This arrangement was intended not only to ensure that an individual would not go astray but also that he would follow the path of righteousness through out his life.

It is true that strict observance of these Ashramas was impracticable for many. But that was the ideal, even if followed by a few it would be of great benefit to society. Further, even observance of these guide lines to some extent by others would result in the development of the personality of individuals.

Therefore these ideals were placed before individuals. It is also true that in the present state of the world, the observance of four Ashramas as indicated above is impracticable for many, But a closer examination of the aims and objects of the four Ashramas would indicate, that even in the present state of the world, the guidance available in the form of the four pious obligations and the four Ashramas helps the development of the personality of individuals and through it, the development of human resources, on which alone the welfare and prosperity of a nation depends.

Firstly, it cannot be denied that the observance of celibacy and devoting of substantial time and energy to the acquisition of knowledge and keeping away from bad habits during the period of studentship, is highly conducive to the acquisition of knowledge and excellence in education and the development of moral character as there is every possibility of an individual going astray resulting in both moral and material abandonment during this important formative period of life. If such things happen, then an individual instead of becoming an asset to human society, might become a liability. In fact, this has actually happened. Substantial numbers of youths fall a prey to bad and immoral habits resulting in moral and material abandonment and become a liability instead of assets and bring misery to themselves, to their family and to the nation. Therefore, Brahmacharya Shrama was an excellent method evolved for human resources development, so that youth become a real asset of society.

Similarly, family life is important. During this period, an individual undoubtedly has to carry on an avocation, profession, trade, business etc., to earn money necessary to lead a happy family life. But at the same time, it is the duty of every individual to carryon his profession or avocation conforming to ethics so that he will be useful not only to himself but also to society. Further, leading a moral life during this period, and observing sexual morality is also essential to ensure proper guidance, education and inspiration to the children. The disastrous consequences of the weakenning of the family bond resulting in rendering millions of children orphans even when the parents are alive is dwelt upon in detail in chapter -VI. Unless husband and wife lead a harmonious family life with mutual affection, and do not get separated, they will not be able to give proper education, environment and guidance to their children. Therefore, 'Grihasthasrama' was the period during which an individual had to discharge the pious obligations of 'Pitruruna , and 'Manavaruna' at the same time devoting some time to worshipping God, which helps to lead a proper and happy life.

The Grihasthashrama is also the sustainer of other Ashramas: It is hailed as the most important, as it carries with it onerous responsibilities of maintaining and sustaining persons belonging to the other three ashramas. It is the foundation of family the structure based on 'Dharma'. Hence the saying "Dhanyo Grihastramam". It is during this ashrama the husband and wife discharge both economic and social responsibilities jointly. It is during the Grihastashrama the husband and/or wife undertakes any profession or avocation or employment private or public and through it earn money and also serve society. They bear the economic responsibility of providing maintenance to those who belong to the other three ashramas ie., financing the education of their children as well as younger brothers and sisters etc., maintaining those who have crossed the stage of Grihasthasrama and have ceased to earn income, and/or have entered 'Vanaprasthashrama' as also those who have entered the fourth stage ie., 'Sanyasa', whether they are members of their family or not. Thus it constituted the best form of private sector social security. Further, the housewife looks after all their needs such as food, health, and the upkeep of the house providing a proper environment. Both together are responsible to educate their children not only from inception but also after school hours, to watch their conduct and behaviour all the time and give proper guidance and

ingrain good qualities and to prevent them from becoming victims of bad habits. Discharging such obligations alone can help the children to become good individuals and an asset to the family and the nation.

This wholesome arrangement is being upset by the purely selfish attitude of individuals under the influence of the set up of modern civilization. As a result in the modern welfare state the burden of providing maintenance to old parents having no income, by way of old age pension and to the unemployed brothers and sisters by way of unemployment allowance and financial assistance to the children who have become destitutes on account of their parents taking divorce abdicating their duty falls on the state. But it is already being realised in many western countries that the financial burden on the state by way of providing social security is becoming unbearable. Apart from this the throwaway attitude on account of which an individual abdicates his 'Dharma' arising out of the sense of gratitude, to look after his/her parents, in old age or his duty towards his unemployed brother or sister, is nothing but an indication of loss of human values in family management. Further, the same purely selfish, throwaway attitude is resulting in increasing divorces as also sexual life without marriage, resulting in making young children destitutes, which in turn is becoming a menace to human society on account of social problems created by those who go astray by becoming immoral or amoral. It is now being realised that for all these innumerable social and economic problems, the Hindu family structure based on 'Grihastashrama Dharma' alone is the solution. Therefore, it is essential that' Grihasthasrama Dharma' which means value based family structure which also strengthens the bond between husband and wife and also between individual members of the family and which provides education to children, moulds their character, and also provides social security to non-earning members of the family which reduces the economic burden on the state enormously and which forms the foundation and strength of a nation, should be resurrected with due modifications necessary in the present context.

Similarly during the Vanaprasthashrama or life after retiring from earning activity, devoting time and energy to any activity useful for the society is essential. It is by this process that a sufficient number of people become available for service in various service organisations. This was regarded essential even for kings and they were required to renounce power and serve the society. There are innumerable examples of kings renouncing power. Nowadays this value of life is totally forgotten. As a result, the tendency among many individuals is to go on earning money till their death. Similarly the tendency among many who acquire political power is "once in the power always in power"- They want to enjoy it till the last breath of their life. This is good neither for the individual nor for the nation as a whole. At some point of time an individual should give up power and devote himself in the service of the society, whatever be the field of his choice. Further, the desire should be to see that during his life time youngsters take over charge and manage the affairs of the state successfully. It is such people who retire from power politics and devote themselves to the service of the Nation, who will be in a better position to give proper advice to the youngsters who occupy the positions of power.

In this regard we have the inspiring example of Chanakya who renounced the Prime Ministership of the most powerful Maghada Empire after securing the service of Amatya Rakshasa for that high office and gave Nation his invaluable , Artha Sastra'.

It is true that the observance of 'Ashramas' as it was prescribed and practiced in ancient times in this land has become impracticable. But the observance of the four Ashramas, with the modifications demanded by the present state of the world, giving importance to the following ideals, is essential to the welfare of humanity:

(1) Education including physical fitness and moral education during the first period-(Studentship)

(2) A harmonious and honest married life, conforming to professional/ vocational ethics, and maintaining persons in the other three Ashramas during the second period -(FAMILY LIFE).

(3) Social service during the third period by giving up earning actiyity to the extent possible (SOCIAL WORKER).

(4) In meditation and worship of God in the evening of life and giving advice and the benefit of one's experience to the younger generation (Devotion to divinity and humanity).

With the necessary modifications suited to the present state of the World is essential for the welfare of humanity.

This, could therefore form the blue print for human resources development programmes for all nations.

1.6 DHARMA OF HUSBAND AND WIFE AND FAMILY LIFE

The sanctity attached to the relationship of the husband and wife brought about by Vivaha (marriage) and the inseparability of their relationship was the firm foundation laid by the propounders of Dharma, on which the social life was constructed. This again had its source in the principle of three debts or three pious obligations.

Devaruna (pious obligation to the gods) was required to be discharged through religious sacrifices and other virtuous deeds such as making gifts to deserving people, as a householder. It was ordained that all such acts must be performed by the husband and the wife jointly. This injunction is being obeyed down to this day.

प्रजनार्थं स्त्रियः सृष्टाः संतानार्थं च मानवाः।
तस्मात्साधारणो धर्मः श्रुतौ पत्न्या सहोदितः।।

MANU IX-96:

To be mothers were women created and to be fathers men; religious rites therefore are ordained in the Veda to be performed by the husband together with his wife.

1.6.1 MARRIAGE -A SAMSKARA

Vivaha (marriage) was one of the most important of the several 'samskaras' (sacraments) prescribed by Dharmasastras for the individual. The object and purpose of marriage as declared by Dharmasastras was not merely to satisfy the carnal desire of a man and woman though it did constitute the basis of the desire for marriage. The propounders of Dharma, after deep thought and consideration, deliberately relegated the natural carnal desire to a secondary position as they considered that greater stress on this aspect would result in the 'throw away attitude' ie., an attitude to give up the wife or husband, as the case may be, at the whim and fancy of either of them and go in for a new one, just as one discards an article meant for use or enjoyment after some use and goes after a new one. This they considered was injurious to the interests of the individual and society. They stressed that coming together of a man and woman was necessary for the fulfillment of the threefold ideals of life, ie., Dharma, Artha and Kama. The sum and substance of these three goals was that the husband and the wife, remaining loyal to each other throughout their life, should restrain their desire (kama) for material pleasure, wealth and prosperity (Artha) by Dharma (righteous rules of conduct) and should share the happiness and misery and discharge their prescribed duties towards the family and society throughout their life.

This is highlighted by a promise which a bridegroom was required to make while undergoing the vivaha Samskara. While giving the girl in marriage, the father, or in his absence the guardian, addresses the bridegroom with the following words:

धर्मे चार्थे च कामे च नातिचरितव्या त्वयेयम्।।

You shall not transgress Dharma in the attainment of Artha and Kama.

The bridegroom accepts the condition with these words:

नातिचरामि।।

I shall not transgress Dharma, in matters of Artha and Kama.

The promise taken indicates that the purpose of marriage was the fulfillment of Trivarga doctrine throughout the life of husband and wife. This aspect is brought out in the' Saptapadi ', (the ceremony of taking seven steps by the bride) at the end of which there is a declaration that they become life long friends. Though the 'Saptapadhi' ceremony was an essential precondition for an orthodox Hindu Marriage, the spirit and purpose of 'Vivaha Samskara' in whatever manner performed was one and the same, The husband and the wife, were regarded as one soul with two bodies. Like real friends, they had to share the joy or suffering of life and live together with mutual adjustments disregarding momentary anger or likes or dislikes arising out of temperamental or other differences. This attitude was not only for their happiness but also for the purpose of discharging the onerous responsibilities of upbringing and educating their children.

In order to impress upon the minds of the bride and bridegroom the sanctity and permanence of marriage bond and to make them to commit publicly, in the presence of relatives and guests, that they would fulfill the obligations of married life towards the society vivaha was prescribed as a Samskara. which is one of the most important and basic aspects of the social system based on Dharma. It was regarded as the foundation of family life. After marriage the husband and the wife would enter the stage in life, which was called "Grihasthashrama" (Householder) ie., family life, during which it was the duty of every family to discharge its social obligation. The relationship was not merely sexual. The husband and the wife were together required to observe a code of conduct, and they had to discharge their responsibility jointly. In particular, they were together required to discharge four pious obligations namely; (i) towards the God, (ii) towards parents, (iii) towards teacher and (iv) towards humanity. (For elucidation read Chapter- V)

This could be discharged only by living together with mutual love and fidelity throughout their life which is the sum and substance of dharma of husband and wife. To impress upon every couple this aspect Manusmriti -IX -101 and III-60 declared thus:

अन्योन्यस्याव्यभिचारो भवेदामरणान्तिकः।
एष धर्मः समासेन ज्ञेयः स्त्रीपुंसयोः परः।।

संतुष्टो भार्यया भर्ता भर्त्रा भार्या तथैव च।
यस्मिन्नैव कुले नित्यं कल्याणं तत्र वै ध्रुवम्।।

Mutual friendship and fidelity is the highest Dharma to be observed by husband and wife, throughout their life.

The family in which husband and wife have mutual affection and respect always secures happiness and prosperity.

The validity and utility of the directive for all and its eternal value are unexceptionable. The observance of the above directive throughout life by the husband and the wife is not only conducive to happiness and harmony in family life, but also essential for national or social life.

1.6.2 THROW-AWAY ATTITUDE -A MENACE TO HUMANITY

One of the serious problems human society is facing particularly in the west and which is spreading like an epidemic disease to our country also is disregarding the 'Dharma' of husband and wife, which brings about disruption of family life resulting in serious consequences to the children, their upbringing, their character and ultimately their whole life and attitude of life which not only ruins individual life and family life but also adversely affects national life as also humanity. This is due to the 'Throwaway attitude' which is replacing the value of gratitude. This is becoming a menace to human society. In view of this every individual is becoming totally selfish in that there is no attachment to anyone not even to parents, the spouse or even children or to any thing. Every individual wants to use an article so long as he pleases and the moment he finds a better article, he throws away the first and take the second and so on. This attitude towards articles of use ie., consumerism is posing a serious economic problem to human society. That itself is sufficiently disastrous. But unfortunately it is being extended to family life also. The resultant position is, in many cases husband and wife instead of realising that marriage is a life long bond with onerous responsibilities of begetting children, educating them and providing good citizens to the nation, think that marriage is only for physical enjoyment and the spouse can be replaced by another of ones liking at any time and for any reason whatsoever. In view of this, human beings are fast losing sexual morality, and as a result are becoming no better than animals. Such an attitude is wholly contrary to Dharma. It gives rise to serious social problems particularly in cases where husband and wife after marriage have children and thereafter each prefers to go for a new spouse. They do not care what happens to their children, about their education and their upbringing. Such an attitude also results in making a child an orphan when the parents are alive. A recent press report as to what has happened in U.S.A. is heart-rending. The report reads:

> Millions of children in the United States are suffering as a result of increasing divorces which have swept the country in recent years, reports DPA.
>
> Experts believe that the children are paying the price for the fact that the institution of marriage has been undermined.

"Until death do us part" has now been replaced by "as long as I am happy". Anybody marrying in the U.S. today has a 60% chance of eventually being divorced.

The results can be seen in the dramatic rise in crime among the young, drug and alcohol abuse, suicide, depression and poverty.
According to experts at the council of families in America, based in New York, the children and youth of today are the first generation in the history of the U.S. who are psychologically, morally and economically worse off than their parents were at the same age.

Experts say U.S. society has utterly failed to convince the next generation that marriage is a good thing.

The study, entitled, "Marriage in America -a Report to the Nation", was issued recently by the council, which is an independent body. It warns that should this trend continue, it would represent nothing less than an act of cultural suicide.

This pessimistic point of view is not being expressed by conservative politicians, but by men and women with mainly middle-of-the-road political ideals and values.

Within just two decades, from 1970-1990, the percentage of adults in the U.S. who are married has dropped from 72 to 62

The mothers of over two-thirds of the black babies born today in the U.S. are unmarried. Over one-third (36%) of all children today live without their fathers (17%).

Violent crime by youth has increased sixfold since 1960. 38% of Americans living in poverty are children".

The situation is alarming. The throwaway attitude which is the major cause of divorce, is spreading like an epidemic to all nations of the world. Only a sense of dharma of the husband and the wife can act as a check. If it goes unchecked the abandoned children become a menace and burden to the society. Particularly being unprotected by parents and parental affection, they become victims of bad habits and develop undesirable qualities, as a result they will have neither the moral nor the physical strength to bear the onerous responsibilities of the family and/or of the nation.

The deterioration has not stopped at this only. The importance given only to sexual enjoyment has already led to a dangerous situation. Man and woman enjoy sex without marriage for a contractual period, so that they need not go to court to seek decree of

divorce. What should happen to the children produced during the contractual period or before divorce in cases where they had married?

The same throwaway attitude is also being extended to parents and other dependents. When utter selfishness overpowers selflessness ie., sacrifice which is one of the basic values of life and the throwaway attitude takes over, this is what happens. So long as parents are helpful by way of providing food and service and education, they are good, but the moment owing to old age and/or illness they require the support of their children they are regarded as a liability and burden and are being thrown away. They have to spend the evening of their life in "Vridhashramas". (Old Age Rescue Homes).

This throwaway attitude is totally alien to Dharma, one of the values of which is gratitude. A man or a woman without a sense of gratitude towards his/her spouse, parents and towards all those who have given a helping hand in various ways, is really inhuman. Therefore, it is necessary to check the growth of the throwaway attitude and resurrect the sense of the "Dharma" of the husband and the wife so that they lead a purposeful family life.

It is also pertinent to point out that the great importance attached to family life, as constituting the social edifice, and as a basic unit on which the strength of a nation depends, which was regarded as part of dharma, has been recognized by the United Nations under article 23(1) of the International Covenant on Civil and Political Rights, adopted by the General Assembly on 16th December 1966. It reads:

> *The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*

The above article is a clear recognition of the efficacy and necessity of the Dharma of the husband and the wife evolved in this land from the most ancient times as the foundation of social life.

1.7 DHARMA OF EMPLOYERS AND EMPLOYEES

As explained in the preceding chapters, Dharma regulated the conduct of all individuals in every sphere of human activity. Thus, it also included the rules to be observed both by the employers and by the employees. They were part of Rajadharma (Constitutional Law) and Vyavaharadharma (The Law on various other topics) and applied to government and private employment. There were eighteen major topics of law which were in force at the earliest point of time. Two of them laid down the Dharma of Employers and Employees. They were "Swamipala Vivada" (disputes between master and servant) and "Vetanadana" (payment of wages). This law was expanded further from time to time as and when the situation demanded. Sukraniti contains several provisions which prescribe the duties of the employers towards employees and vice-versa.

At the outset it has to be pointed out that the two salient principles of the basic philosophy governing the relationship of employers and employees were that the right given to both was the right to perform their duty, in that the employers were required to discharge their obligations towards their employees and the employees were required to discharge their duty towards the employers. This ideal followed from Dharma which had endeavoured to establish a duty-based society. Its postulate was not only the duty of the individual towards the society but also the duty of the society towards the individuals through political and commercial and other organisations. The ancient thinkers of our land had clearly identified the mark of distinction in the approach to life in this land Bharat and have recorded it in Vishnupurana. (See Chapter-IV).

The stress was on the duty of an individual towards others (selflessness) and not on the right to fulfill selfish desires. This is also evident from the time-honoured statement in the Bhagavadgeeta, which declared "Your right is to perform your duty" (Karmanyevadhikaraste). Every individual was asked to be Dharma-abiding and discharge his duty towards the society so that all would live happily. The duty of the State as laid down in "Rajadharma" was to ensure that everyone conforms to Dharma. The doctrine of Laissez-faire was never accepted in this land.

Another distinctive feature was the rejection of the principle of "the greatest good of the greatest number", according to which, in order to secure the good of a large number of persons, injustice could be caused to a small number of persons. The ideal laid down was that all the people should be happy (Sarve Janah Sukhino Bhavantu). The rules of Dharma prescribed that the conduct of employers should be such as would secure justice and happiness to the employees and the conduct of the employees should be such as would not cause any hardship or injustice to the employers. Thus, the principle of class co-operation was adopted in preference to class conflict.

All these rules which regulated the conduct of employers and employees flowed from the basic rules of "Dharma", the observance of which was regarded as essential for the sustenance and welfare of the individual and the society. Basic rules of Dharma were

declared in various works on Dharma Sastra and Smritis as indicated in earlier chapters. The Shanti Parva (60- 7 -8) in Mahabharatha which has indicated nine basic aspects of Dharma which is relevant to the topic reads thus:-

अक्रोधः सत्यवचनं संविभागः क्षमा तथा।
प्रजनः स्वेषु दारेषु शौचमद्रोह एव च।।
आर्जवं भृत्यभरणं नवैते सार्ववर्णिकाः।

"Being free from anger, (Akrodaha) sharing one's wealth with others, (Samvibhagaha) forgiveness, (Kshama) truthfulness, procreation of children from ones wife alone, purity (in mind, though and deed), (shoucham) not betraying the trust or confidence reposed, (Adrohaha) absence of enmity, maintaining the persons dependent on oneself, these are the nine rules of Dharma to be followed by persons belonging to all sections of society".

Out of these, the five are relevant in the context of the employer-employee relationship. They are:

1.7.1 SAMVIBHAGAHA:

The principle of" Samvibhagaha", requires that the employers must share the profit arising out of running any industry or business with the employees. It means that as an employer runs his business, trade or industry only with the help of the employees, they should be given a reasonable share in the profit earned. If the principle of 'Samvibhagaha' remains uppermost in the mind of the employers and in the light of this principle they regulate their own life style and appropriate only a reasonable portion of the profit for themselves and distribute the profit among the employees, the relationship between the two would be cordial, and it would also promote a sense of gratitude among the employees towards the employers, which in turn increases the output of work both in quality and quantity. It is a matter of common knowledge that only when the employees see that the employers are indulging in extravagant and wasteful expenditure, while denying a reasonable share of profit to the employees, the industrial unrest begins. Even today, we see that in certain industries or business or trade, where employers look after their employees as their own children with love and affection and give a reasonable share in the profit to them, not only is the relationship between the two cordial but also the efficiency of the workers increases and they work as missionaries and not as mercenaries. Therefore, the principle of Samvibhaga constituted the fundamental Dharma to be observed by the employers towards their employees.

1.7.2 AKRODHAHA:

means to be free from anger. On many occasions on account of anger, human beings commit attrocities on others, which might result in irreparable loss and injury, causing misery not only to the victims but also to the perpetrator of wrong acts. This

general rule also regulated the relationship of employers and employees. There are many instances in which anger exhibited frequently without justification and disproportionate to the situation by the employers against the employees strain their relationship. The employees feel humiliated and as a result they are unwilling to do their work with devotion. This is also one of the causes of industrial unrest. This principle of Akrodhaha warns employers against uncontrolled anger and therefore requires that even when an employee commits mistake, the employer's anger should not cross reasonable limits. This guideline equally applies to employees.

1.7.3 KSHAMA: Forgiveness:

is also important. Being human, employees are bound to err, or even be guilty of misconduct. It is essential for the employer to excuse the employees for bonafide errors or mistakes and to impose only just punishment, when they have acted unjustly. The quantum of penalty must be in proportion to the gravity of the misconduct and should not be harsh. It is only in cases in which the misconduct is grave that the maximum or highest penalty is justified; only then should such penalty be imposed.

1.7.4 SHOUCHAM:

Transperancy -This means whether a person is an employer/manager or employee, he should be honest and straight-forward. It is also called "trikarana shuddhi", namely: cleanliness in thought, word arid deed. This principle is also of considerable importance because thinking one thing, speaking differently and doing something else, by anyone destroys the confidence in him and affects his reliability. Therefore, such a conduct was tabooed. It is indisputable that the following of this rule of Dharma both by the employers and the employees is most conducive to the smooth running of any department of Government, trade, business or industry and for cordial relationship between employers and employees.

1.7.5 ADROHA :

Not betraying the confidence or trust reposed in on self. This principle required that an employee should not betray the confidence or trust reposed in him by the employer. He should not indulge in theft, cheating or misappropriation, or go slow in working etc., and thereby cause loss or injury to the employer.

The above can be called five fundamental codes of conduct (Pancha Sheela) the observance of which will do good both to the employers and to the employees and secure the happiness and the welfare of both.

Based on the above basic rules of Dharma, there are certain verses in Sukraniti which are advisory in character which stress the importance of the payment of proper wages, courteous treatment of the employees, on the part of the management/master and honest and sincere service by the employees. They are:

(Sukraniti-Il 807-808)

ये भृत्या हीनभृतिकाः शत्रवस्ते स्वयं कृताः।
परस्य साधकास्ते तु छिद्रकोशप्रजाहराः।।

Because of the payment of very low wages, employees of the king are likely to become his enemies and they are also likely to become plunderers of treasuries and cause hardship to the general public.

(Sukraniti-Il, 836-839)

वाक्पारुष्यान्नयूनभृंत्या स्वामी प्रबळदण्डतः।
भृत्यं प्रशिक्षयेन्नित्यं शत्रुत्वं त्वपमानतः।।
भृतिदानेन सन्तुष्टा मानेन परिवर्धिताः।
सान्त्विता मृदुवाचा ये न त्यजन्त्यधिपं हि ते।।

Low wages, harsh treatment, insults, abuses and imposition of heavy fines or severe punishments are the causes of unrest among the employees. Satisfied with payment of adequate wages, promoted honourably, cheered up by gentle words and consoled in grief, the employees will never let down or desert their master.

भृत्यस्स एव सुश्श्लोको मापत्तौ स्वामिनं स्यदेत्।
स्वामी स एव विज्ञेयो भृत्यार्थे जीवितं त्यजेत्।।

He is an excellent employee who does not desert the master in difficulties. He is known to be an ideal master who makes sacrifices in the interest of his employees.

These rules not only indicate that employees should serve the employer honestly and should not create problems for him but also give guidelines for the employers whether state or private, on how they should treat their employees. They indicate that:

(i) Proper wages should be paid to the employees;

(ii) The employer should not mete out harsh treatment to his employees, should not insult them and even when punishment has to be imposed, it should not be disproportionate to the gravity of the charges proved.

(iii) That there should be promotional opportunities, and promotion should be given as and when it due, and more than all

(iv) when employees are in grief, on account of bereavement, illness or for any other reason it is the duty of the employer to console them and help them.

To illustrate, when an employee is bereaved or suffering from illness, if the employer or some one on his behalf were to go to the house of the employee and offer condolences and also provide some special financial assistance, he is sure to develop respect and a sense of gratitude towards the employer. Not only that, such a humane conduct on the part of the employer makes the employee happy. Their bonds of affection get strengthened. This is far more valuable than the money retained for himself by the employers denying reasonable wages to the employees. The human touch is so apparent in these rules.

There are two important verses in "Sukraniti" which also throw considerable light on the just and fair treatment required to be given to the employees. They are:

1. Extra Annual Payment:
(Sukraniti-II-830-831)

अष्टमांशं परितोष्यं दद्याद्भृत्याय वत्सरे।
कार्याष्टमांशं वा दद्यातं कार्यं द्रागधिकं कृतम्।।

"Every employee should be granted one eighth of his salary as a reward (bonus) annually. If an employee does his work efficiently, he should be granted an extra remuneration equal to one eighth of the piece rate earnings in recognition of his efficiency."

2. Preference for the appointment of a deceased employee's son:

(Sukraniti-II, 832-833)

स्वामिकार्ये विनष्टो यस्तत्पुत्रेतद् भृर्ति वहेत्।
यावद्बालोऽन्यथा पुत्रगुणान् दृष्टा भृतिं वहेत्।।

"If any employee dies before retirement, his son becomes automatically entitled to get the employment of his deceased father. After attaining majority his wages should be determined according to his qualifications."

The various provisions on the topic of 'Dharma' regulating the relationship between master and servant and determining their respective duties and rights are remarkable for the humane and pragmatic approach made to the problems of the working class. The advisory passages set out in the opening part of this chapter enjoin the employees to be ;honest and sincere in their service and loyal to their masters. At the same time, they require the masters to pay proper wages, give promotions and other service benefits to the employees. In particular they ask the employers to treat the employees with respect and sympathy. These rules are not only indicative of the

importance given to the dignity of individual but also inconformity with the philosophical foundation of the land that all should be happy "Sarve Janaha Sukhino Bhavantu". Further, the directive to treat everyone as one's ownself (Atmavat Sarvabhutanam) goes to show that the ancient Bharatiya thinkers were fully alive to the necessity of a cordial relationship between the employers and employees, as that alone could ensure proper running of any trade, business or industry which in turn was in the interest would adversely affect the industries, trade or business.

Thus, the mandate, has been that it is the duty of every employer and employee to obey the directives which incorporate the Dharma of employers and employees, which in turn would, ensure harmony between them and give no scope for class conflict and resulting industrial unrest.

The sense of gratitude which had been regarded as one of the basic rule of "Dharma", was applicable with greater force to the employers and employees. This meant that an employee should have to be grateful to the employer who provided him an employment, with the aid of which the employee not only learnt the job from the employer and acquired expertise, but also earned income. Similarly, an employer was required to have a sense of gratitude towards his employees, who toiled for him. Thus mutual co-operation with a sense of gratitude towards each other was made part of "Dharma" which is of eternal value for the success of any business, trade, industry or undertaking. In the absence of such attitude, both become utterly selfish. The employer would attempt to exploit the employees and the employees instead of being industrious, think of only demanding more wages and perquisities without any concern for the interest of the employer or the trade, business or industry in which they are employed. Nowadays, it is a matter of common knowledge that in many cases the cause for industrial unrest or dispute is attempt by the employers to exploit workmen taking undue advantage of their helplessness. Similarly, there are also cases in which employees, after securing employment under an employer, and also acquiring experience and/or special training at his cost, either make unjust demands or desert the employer, the moment some other employer offers a little more salary as he is going to get a trained employee. Both such acts are instances of ingratitude and therefore contrary to Dharma.

1.7.6 An exemplary Role:-

There has been a provision concerning domestic servants, which indicates that employer should ensure humane treatment to the employees.

ये नित्या भात्किकास्तेषामनुपरोधेन संविभागो विहितः।
काममात्मानं भार्यां पुत्रं कोपरुन्ध्यान्न त्वेव दासकर्मकरम्।।

"While distributing food to all the guests, if there is any shortage of food, the householder may stint (reduce the share to) himself, his wife and children, but by no means the food due to should be reduced. (Apastamba Smriti - Vide Dharma Kosha -P-816)

The directive of the verse is that an employer should never make his domestic employee to starve even if it meant shortage of food to himself. The verse exhibits the requirement of being kind to employees. It is obvious that this directive was regarded as essential, for the reason that if there is shortage of food for the owner and/or his wife, they would certainly prepare food and satisfy their hunger. But the employee ;would be helpless. Therefore, the rule provided that food should be reserved for the employee, thereby recognise the human right for food.

This rule read with other rules which required payment of fair wages and courteous treatment, are illustrative of the respect for human right and constituted the basic principles, for the guidance of employers, in order to ensure just and fair treatment to the employees.

1.8 THE ORIGIN OF RAJA DHARMA AND ITS PURPOSE

The origin of the State (Rajya) as well as the office of the king and the evolving of Raja Dharma -the law conferring power on the king to maintain the rule of law and the directives for the exercise of power -has been explained in Shantiparva of the Mahabharata. After the devastating war of Kurukshetra between the Pandavas and the Kauravas in which the former came out victorious, Yudhistira the eldest of the Pandava brothers requested Bhishma, who was the master of Rajadharma to expound the same to him and he did so. The Shanthiparva of Mahabharata incorporates Bhishma's authoritative exposition of the origin and purpose of the state, the rule of law, the institution of kingship and the duties and the powers of the king. Great stress is laid on the personal character and qualities which a king in whom vast political power is vested must possess for the proper and effective discharge of his functions. Rajadharma, so clearly laid out is vast like an ocean, consists of invaluable and eternal principles worthy of emulation under any system of polity and by all persons exercising political power. The Mahabharata discourse on the topic of Rajadharma discloses that in the very early periods of civilization in this country great importance was attached to Dharma and it was self-imposed by individuals. Consequently, everyone was acting according to Dharma and there was no necessity of any authority to compel obedience to the laws. The existence of such an ideal ' Stateless society' is graphically described in the following verses:

नैव राज्यं न राजाऽऽसीन्न दण्डो न च दाण्डिकः।
धर्मेणैव प्रजाः सर्वा रक्षन्ति स्म परस्परम्।।

There was neither kingdom nor the king, neither punishment nor the guilty to be punished. People were acting according to Dharma and thereby protecting one another.

The above verse gives a clear picture of an ideal stateless society, which appears to have been in existence in the hoary past. Such a society was the most ideal one for the reason that every individual scrupulously acted according to the rules of right conduct by the force of his own culture and habit and not out of any fear of being punished by a powerful superior authority like the state. Consequently, there was mutual cooperation and protection. The society was free from the evils arising from selfishness and exploitation by individuals. The sanction which enforced such implicit obedience to Dharma was the faith of the people in it as also the fear of incurring divine displeasure if Dharma was disobeyed.

However, the ideal society so beautifully described did not last long. While, the faith in: the efficacy and utility of Dharma, belief in God and the God fearing attitude of people continued to dominate society, the actual state of affairs gradually deteriorated. A situation arose when some persons, out of selfish worldly desires, began to flout Dharma, and became immune to the fear of divine displeasure. They were infatuated with pleasure

and prompted by their own muscle power, began to exploit and torment the weaker sections of society for their selfish ends. The tyranny of the strong over the weak reigned unabated. The danger to peaceful co-existence and consequent uncertainty and anxiety about the safety of life and property of individuals, was brought about by such individuals. It was as though the rule of 'Matsyanyaya' (big fish devouring small fish) governed society. This situation forced the law abiding people to search for a remedy. This resulted in the creation of the institution of kingship and the establishment of his authority (kingship or the state) and formulation of Raja Dharma which corresponds to modern constitutional law which specifies and limits the exercise of power of the different limbs and departments of the state.

Kautilya, who was the Prime Minister to the powerful Maghada Emperor, Chandragupta Maurya, in his celebrated work on Polity (Arthasastra) also explains the origin of the institution of Kingship:

मात्स्यन्यायाभिभूताः प्रजाः मनुं वैवस्वतं राजानं चक्रिरे।
धान्यषड्भागं पण्यदशभागं हिरण्यं चास्य भागधेयं प्रकल्पयामासुः।
तेन भृता राजानः प्रजानां योगक्षेमवहाः।।

KAUT. P-22: (P 24 S):

People suffering from anarchy, as illustrated by the proverbial tendency of the bigger fish to devour the small ones, first elected Manu, the Vaivasvata, to be their king, and allotted one-sixth of grains grown and one-tenth of merchandise as sovereign dues. Being fed by this payment, the kings took upon themselves the responsibility of assuring and maintaining the safety and security of their subjects (Yogakshemavahah) and of being answerable for the sins of their subjects when the principle of levying just punishment and taxes had been violated.

1.8.1 IDEAL AND PURPOSE OF THE STATE

There was no difference between the ideals kept before the state by Rajadharma and those enshrined in the hearts of individuals. The ideals placed before the individual, for purposes of the welfare and happiness of himself and all others in this world, were Dharma, Artha and Kama (Trivarga or the three Purusharthas. See Ch-ill). Every individual was asked to reject Artha and Kama (material wealth and desires) if they were in conflict with Dharma. The ideal of Rajadharma placed before the state was to assist and support the achievement by individuals of the threefold ideals (Trivarga) and to ensure that they secure wealth (Artha) and fulfil their desires (Kama) in conformity with Dharma and do not transgress Dharma.

नीतेः फलं धर्मार्थकामावाप्तिः।।

BARHASPATYA SUTRA 11-43

The goal of polity (Rajaniti) is the fulfillment of Dharma, Artha and Kama.

Barhaspatya Sutra 11-44 adds that Artha (the wealth) and Kama (desire) must stand the test of Dharma. Kautilya declares that a king must strive for the achievement of Trivarga. Kamandakiya, after an elaborate discussion of the seven constituents of the state, concludes thus:

गृहीतमेतन्निपुणेन मन्त्रिणा त्रिवर्गनिष्पत्तिमुपैति शाश्वतीम् ।।

KAMANDAKIYA IV -77

The state administered with the assistance of sagacious ministers secures the three goals (Trivarga) in an enduring manner.

Somadeva begins his Nitivakyamrita in a characteristic way when he performs obeisance to Rajya (the state) which yields the three fruits of Dharma, Artha and Kama. The Dharmasastra authors held that Dharma was the supreme power in the state and was above the king who was only the instrument to realize the goal of Dharma.

The theory about the origin of kingship and its purpose and of Raja Dharma as set out above is reiterated by all the works on Rajadharma which declare with one voice that the highest duty of a king is to afford 'protection to his subjects (praja) and to dedicate himself to their welfare and happiness'.

1.8.2 RAJADHARMA IS THE PARAMOUNT DHARMA

Simultaneously with the bringing into existence of Rajya and the institution of kingship its founders felt the necessity to define its structure, the powers and duties of the king and the liability of the people to contribute a part of their income by way of taxes, which should be placed in the hands of the king for purposes of the defence of the realm and to maintain peace, safety and order in society and also to undertake various welfare measures for the benefit of the people. The necessity was met by making provisions regulating the constitution and organisation of the state, specifying the power and duties of the king and all other incidental provisions and treating these provisions also as part of Dharma under the title "Rajadharma" (law governing kings). In the Dharmasastras and Smritis, Rajadharma is dwelt upon as a topic separate and independent from civil, criminal and procedural law. In view of the great importance of the topic of Rajadharma, several eminent writers wrote independent treatises on it under various titles such as Rajanitisara, Dandaniti, Nitisara and it is also dealt with as part of Arthasastra. The monumental work Arthasastra is by Kautilya, who was the Prime Minister of Magadha Empire which had its capital at Patalipura (modern Patna, in the State of Bihar). P. v: Kane refers to the other extensive literature available on the subject.

The important ones are the Mahabharata -Shanti parva, Manu Ch. VII and IX, Kamandaka Nitisara, Manasollasa of Someswsara, Yuktikalpataru of Bhoja, Rajaniti Ratnakara of Chandeswara, Rajaniti Prakasha of Mitramisra and Dandaniti of Keshava Pandita. The system of government envisaged by all the works on Rajadharma was the Rajya (the State) headed by a king. The provisions in the Dharmasastras, Smritis and

other works on the topic mentioned above, covered varieties of subjects such as the constitution and organisation of the Rajya, Kingship, the manner of assuming office by the king (coronation), the code of conduct for the king, the succession of kingship, the education of young princes, the appointment of council of ministers, the chief justice and other judges of the highest court, the administrative divisions, and the powers and duties of the king.

The propounders of Dharmasastra declared that the king (State) was absolutely necessary to maintain the society in a state of Dharmawhich was essential for the fulfillment of Artha and Kama. Rajadharma, which laid down the Dharma of the king, was paramount.

सर्वे धर्माः सोपधर्मास्त्रयाणां राज्ञो धर्मादिति वेदाच्छ्रूणोमि।
एवं धर्मान् राजधर्मेषु सर्वान् सर्वावस्थं संप्रलीनान् निबोध।।

MAHABHARATA SHANTIPARVA Ch.63, 24-25

All Dharmas are merged in Rajadharma, and it is therefore the Supreme Dharma.

1.8.3 KING, THE MAKER OF THE AGE

The paramount importance of kingship and the profound influence a king has on the state of society has been pithily expressed in the Mahabharata.

कालो वा कारणं राज्ञो राजा वा कालकारणम्।
इति ते संशयो माभूद्राजा कालस्य कारणम्।।

M.B. SHANTIPARV A Ch.69- 79

Whether, it is the king who is the maker of the age or the age that makes the king is a question about which there is no room for doubt. The king is undoubtedly the maker of the age.

The above affirmation is an eternal truth. The ruler, under whatever system of polity, is largely responsible for the state of the nation or society and whether people in general are virtuous or not largely depends upon the character and conduct of the ruler and his capacity to enforce Dharma, i.e., the rule of law. It is for this reason that Rajadharma was considered supreme as the protector of the people since Dharma was entirely dependent upon the effective implementation of Rajadharma.

The opening verse in Manu Smriti of the chapter of Raj a Dharma reads thus:-

राजधर्मान् प्रवक्ष्यामि यथावृत्तो भवेन्नृपः।
संभवश्च यथा तस्य सिद्धिश्च परमा यथा।।

MANU VII-I

I will now declare Rajadharma, the law to be observed by kings, how kingship was created, how a king should conduct himself and how he can obtain the highest success.

The Rajadharma laid down in Manu VII and IX and in other Smritis and various works on Rajadharma referred to earlier was the constitutional law in ancient India.

1.8.4 ONE LAW-ONE PEOPLE-MANY STATES

At this stage, before going into the details of the provisions of Rajadharma, it is necessary to highlight one other aspect. Politically the whole of India never came under the rule of anyone emperor or king. The territorial extent of a kingdom depended on the prowess and capability of each king. Therefore, innumerable kings ruled over different parts of the sub-continent, each of whom was independent of the others, except in cases where one became a vassal of an emperor. At the same time, as a society, the entire Indian population constituted itself into one homogeneous unit. Political divisions of the country coming under the control of different kings did not result in the division of society into separate nations. On the other hand, the civil, criminal and procedural laws evolved by the society and recorded in the various Dharmasastras and the Smritis were followed in the whole country notwithstanding different political entities under many kings.

For instance, the boundaries of the country and the people were described in the Vishnupurana, as follows:-

उत्तरं यत्समुद्रस्य हिमाद्रेश्चैव दक्षिणम्।
वर्षं तद्भारतं नाम भारती यत्र सन्ततिः।।

The country which lies to the south of the Himalayas and the north of the oceans is called Bharata and the Bharateeyas are the people of this Country.

While it is a historical fact that the territory of India so described was divided into several sovereign states, which also underwent changes from time to time, it is indisputable that over the whole of the sub-continent, the same four Vedas, Vedangas, Dharmasastras and Srnritis, the two great epics (the Ramayana and the Mahabharata), including some of the commentaries on these, held sway throughout the centuries. A commentary on Yajnavalkya Srnriti written in the 12th Century AD. by Vijnaneswara, an eminent jurist of South India (Karnataka) was accepted as an authoritative work on law, practically in the whole of India. By virtue of governance of the same laws on all matters including Rajadharma, the entire population of this country constituted themselves into one nation notwithstanding the innumerable political divisions constituting separate and independent states or territories under different kings or rulers. Despite, the rise and fall of several kingdoms over the centuries, and the many wars inter se, the achievement of maintaining the entire population under one system of law and as one people for

generations was the most remarkable achievement of our ancestors, which ultimately has inspired and helped us to come under one constitution and one central government in the present day. This inherent strength and vitality of the people will also enable us to protect and preserve the integrity and unity of Bharat in the future too. Such importance given to the principle of Dharma, indicates another fundamental aspect accepted by the people as well as the rulers of the various kingdoms of India. According to this principle of dharma, the king had no legislative powers. To this extent the doctrine of separation of the law making and law enforcing powers had been brought about. Political power of any state in the whole of India was subordinated to the power of the entire people as a whole. The sanction behind all the laws including Rajadharma (collectively called Dharma) lay in its acceptance by the people. Dharma held sway for thousands of years and no king questioned its authority over and above him. Thus, the entire political system in this country was based on Dharmic Supremacy.

As a result, though the States were very many and under different kings, the Rajadharma (constitutional law) uniformly applied to all of them and regulated the constitution and organisation of all the kingdoms as also the civil and criminal laws, including procedural law, subject to local variations on the basis of approved usage and custom, which were recognised as one of the sources of law. The position therefore was that India consisted of several independent sovereign states but one people governed by one legal, judicial and constitutional system -the Vyavahara Dharma and Raja Dharma, meant for the implementation of doctrine of TRIV ARGA.

1.8.5 TRUE FAITH AND ALLEGIANCE TO 'RAJA DHARMA'

The implicit faith of the kings in Raja Dharma (Constitutional Law of ancient Bharath) has been the basis of the smooth functioning of the State as also peaceful transfer of power from a king/emperor to his successor since ancient times. In this regard, we have the glowing example of Bharata. By his exemplary conduct, he exhibited his true faith and allegiance to Raja Dharma. The rule of succession prescribed as part of 'Raja Dharma' was Primogeniture. According to this, eldest son of a king alone was entitled to royal succession. This rule which has been in existence from the most ancient times has been incorporated in Sukraniti-I 684-688:-

राजकुले तु बहवः पुरुषा यदि सन्ति हि।
तेषु ज्येष्ठो भवेद्राजा शेषास्तत्कार्यसाधकाः।।

If a king has many sons male children (to a king), the eldest among them is to be the king (in succession); the others are to assist him.

ज्येष्ठोऽपि बधिरः कुष्ठी मूकोऽन्धः षण्ड एव यः।
स राज्यार्हो भवेन्नैव भ्राता तत्पुत्र एव हि।।

If the eldest prince is deaf, dumb, blind, leprous or a eunuch, he is unfit to rule and, in such a case, the king's brother or grandson (the son of the eldest son) should succeed to the throne.

Arthasastra of Kautilya which codified Raja Dharma around 300 BC, declared that except in exceptional cases of calamity, sovereignty falls on the eldest son, Whereas according to the law governing interstate succession to the property of an individual, the sons of the deceased persons were entitled to equal share in the property of the father, Sukraniti indicated the reason for the difference between the succession to the property of the father and kingship and said that in the case of the former as it was the property of the father, the sons became entitled to it in equal shares but the kingdom was not the property of the king. He was only a person entrusted with the power of ruling the State and there should be only one ruler and therefore the Rule of Primogeniture was evolved.

It is true that there was no constitutional court wherein usurpation of the power by anyone not entitled to succeed to kingship could be challenged. But in view of the implicit faith in and allegiance to Raja Dharma, the rule of primogeniture was being obeyed by all concerned and as a result there used to be smooth transfer of power. This Dharma abiding instinct in the rulers and the people was more powerful and effective than the power of the courts. This was the basis on which Bharata refused to be crowned even though he was requested by all to do so.

According to the story of the Ramayana, Sri Raffia being the eldest son of Dasharatha was to be crowned as the king of Ayodhya in accordance with the Rule of Primogeniture incorporated in Raja Dharma. However, it so happened that on account of the demand made by Kaikeyi, the mother of Bharata, in terms of the promise to grant her whatever she asked for by the king Dasharata and the latter being firmly committed to keep up his words, had no other alternative but to cancel the coronation ceremony of Sri Raffia and to ask him to go away to the forest for fourteen years and also to crown Bharata as the king of Ayodhya. Bharata had the golden opportunity of securing political power and becoming the king of Ayodhya by superseding the claim of Rama, once and for all, if allurement of power prevailed in his mind over Raja Dharma -constitutional convention. The general impression is that it was the intense love of Bharata towards his elder brother Sri Rama, which prevented Bharata from ascending the throne. It may be partly true, but the real reason for Bharata to refuse to ascend the throne was the Rule of Primogeniture laid down as part of Raja Dharma and his firm commitment not to transgress Raja Dharma. This is discernible from the firm stand taken by him when he was requested to become the king of Ayodhya.

After the return of Bharatha from Mithila, the Council of Ministers appraised Bharatha of the unfortunate events which had already taken place during his absence, which had led to the cancellation of the coronation of Rama and his exile to the forest and the death of Dasharatha and the proposal to crown Bharata as the King of Ayodhya. Bharata unaffected by the lure of office of kingship stated thus:

ज्येष्ठस्य राजता नित्यमुचिता हि कुलस्य नः।
नैवं भवन्तो मां वक्तुमर्हन्ति कुशला जनाः।।
रामः पूर्वे हि नो भ्राता भविष्यति महीपतिः।
अहं त्वरण्ये वत्स्यामि वर्षाणि नव पाŒच च।।

CANTO 79:7-8

The convention that the eldest son of the king alone should succeed to the throne has been firmly established and has been regarded as a commendable rule of succession. Therefore, you, being well versed in the convention ought not to request me to ascend the throne. Sri Rama being the eldest son of the king, he alone shall be the ruler. I would rather reside in the forest for fourteen years (instead of Sri.Rama).

Having firmly stated as above to the council of ministers, Bharata proceeded to Chitrakoot where Sri. Raffia was staying. Here again Sri Raffia, the eldest son and the rightful heir exhorted Bharata agree to be crowned and become the king respecting the words of 'mother Kaikeyi and father Dasharatha. Bharatha's faith in and allegiance to the constitution were in very firm and he was of the view that it could not be changed or amended ~ the king or the queen. Bharata replied thus:-

रामस्य वचनं श्रुत्वा भरतः प्रत्युवाच ह।
किं मे धर्माद् विहीनस्य राजधर्मः करिष्यति।।
शाश्वतोऽयं सदा धर्मः स्थितोऽस्मासु नरर्षभ।
ज्येष्ठे पुत्रे स्थिते राजा न कनीयान् भवेन्नृपः।
स समृद्धां मया सार्धमयोध्यां गच्छ राघव।
अभिषेचय चात्मानं कुलस्यास्य भवाय नः।।

CANTO 102

How can the rule prescribed for succession he violated? I am out side the range of that code. I have no right to occupy the throne being the younger son of the king Emperor. The rule is that the eldest son alone can succeed to the throne. Oh. Jewel among Men, so long as the eldest son is alive, I can never be the king. Therefore return with me to Ayodhya.

Despite the advice of the council of ministers, the desire of mother Kaikeyi granted by king Dasharatha and, more than all the exhortation by Sri. Raffia himself, who was the constitutional successor to the throne, Bharata would not budge, as none of these could alter Raja Dharma.

Under the present Constitutional System every candidate at election and every legislator and minister has to take oath that he or she will bear true faith and allegiance to the Constitution. But there are many instances in which, the oath is disregarded and unconstitutional methods are resorted to just to grab or retain political power. The ideal of Bharata is therefore all the more relevant even now. Firm commitment to constitution and the refusal to secure or accept power by Bharata, should serve as an example even to present day politicians, to remain true to their oath that they will bear true faith and allegiance to the Constitution.

1.9 THE CODE OF CONDUCT FOR RULERS

The smritis laid down a code of conduct which should be scrupulously observed by the kings which on all fours applies to every kind of political rulers and officers exercising governmental powers. They are:

Personal qualities to be acquired by the king:

इन्द्रियाणां जये योगं समातिष्ठेद्दिवानिशम्।
जितेन्द्रियो हि शक्नोति वशे स्थापयितुं प्रजाः।।

MANUSMRITI

(a) The king must subdue his senses:
Day and night the king must strenuously exert himself to conquer his senses for he alone who has conquered his own senses can keep his subjects in obedience.

(b) The king must shun the following vices:

दश कामसमुत्थानि तथाऽष्टौ क्रोधजानि च।
व्यसनानि दुरन्तानि प्रयत्नेन विवर्जयेत्।।
कामजेषु प्रसक्तो कि व्यसनेषु महीपतिः।
वियुज्यतेऽर्थ धर्माभ्यां क्रोधजेष्वात्मनैव तु।।
मृगयाऽक्षादिवास्वप्नः परिवादः स्त्रियो मदः।
तौर्यत्रिकं वृथाऽट्या च कामजो दशको गुणः।।
पैशुन्यं साहसं द्रोहः ईर्ष्यासूयार्थदूषणम्।
वाग्दण्ऽजं च पारुष्यं क्रोधजोऽपि गुणोऽष्टकः।।

(i) Let him shun the ten vices springing from love of pleasureand the eight proceeding from wrath, which end in misery.
(ii) The king who is attached to vices springing from love of pleasure loses his virtue and wealth, and he who is given to vices arising from anger loses even his life.
(iii) Hunting, gambling, sleeping during day, censoriousness, libidinousness, drunkenness, an inordinate love for dancing, singing and music, and useless travel are the ten vices flowing from love of pleasure.
(iv) The four vices -drinking liquor, gambling Glibidinousness and hunting, arising out of love of pleasure, are the most pernicious in the same order.
(v) Tale bearing, violence, treachery, envy, slandering, unjust seizure of property, reviling and assault are the set of eightfold vices flowing from

wrath; out of these, doing bodily injury, reviling and seizure of property are the most pernicious.

(C) Death preferable to vicious life:

व्यसनस्य च मृत्योश्च व्यसनं कष्टमुच्यते।
व्यसन्यधोऽधो व्रजति स्वर्यात्यव्यसनी मृतः।।

MANU VIII 53

In a comparison between vice and death, vice is declared to be more harmful because a vicious man sinks to the nethermost hell while he who dies free from vice goes to heaven.

(d) The king must guard himself against going astray

वश्येन्द्रियं जितात्मानं धृतदण्डं विकारिषु।
परीक्ष्यकारिणं धीरमत्यन्तं श्रीर्निषेवते।।
शौर्यविद्यार्थबाहुल्यात् प्रभुत्वाच्च विशेषतः।
सदा चित्तं नरेन्द्राणां मोहमायाति कारणात्।।
तस्माच्चितं प्रबोद्धयव्यं राजधर्मे सदा द्विजैः।
पवित्रं परमं पुण्यं स्मृतिवाक्यं न लंघयेत्।।
आत्मीये संस्थिता धर्मे नृपाः शक्रत्वमाप्नुयुः।
अवीचिवासिनो ये तु व्यपेतचारिणः सदा।।

KAT. 3-4, 5-9:

Glory very much resorts (to a king) whose senses are under control, who can curb his passions, who wields (the rod of) punishment against those who fall victims to temptations, and who does (every act) after due deliberation, and who is extremely calm and steady.

By reason of their being endowed with an abundance pf valour, learning and wealth, and particularly on account of the supreme power (they wield), the minds of kings always tend to go astray (even) for the slightest reason (or impulse).

Kings who abide by the duties especially prescribed for them attain the position of Indra, but those who go astray deviating from the path of Dharma go to hell (after death).

The above texts reveal the great stress laid on the character and qualities a king should possess. To this end, imparting an all round education and training to princes, and instilling in them the traits of good character and discipline was emphasised.

The aforesaid directives were invariably followed both in letter and spirit by the royal families. The princes, who were in the line of succession to kingship, underwent strenuous courses under their teachers (in Gurukulashramas). In addition to education as aforesaid a prince/king was required to lead a disciplined life and keep the company of respectable persons who could shape his character, thought and outlook to the ensure the public good.

That is how it was possible to produce outstanding kings known to history, who exhibited remarkable ability in administration, skill in warfare and mastery of the arts. A few who disregarded these guidelines became unpopular and stood condemned. Manu enjoins kings to shun vices as they lead them to excesses in the enjoyment of power and wealth resulting in the neglect of the affairs of state.

The great stress laid on character and discipline on the part of kings applies with equal force to all persons who come to exercise political and administrative power under any system of government, if the people are to be really benefited. They are the internal checks which automatically control the evil propensities of men in power and position and prevent them from swerving from the path of rightenousness. These in-built traits are more effective than all the external constitutional and legal checks and inquiry commissions, though their importance cannot in any way be minimised.

Apart from laying down the code of conduct, the king was also required to ensure that there was no arbitrariness in state action. In this aspect Kautilya declared that the welfare of the people was the king's chief concern.

प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम्।
नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम्।

KAUT: 9-39

In the happiness of his subjects lies the king's happiness: in their welfare, his welfare, whatever pleases himself the king shall not consider as good, but whatever pleases his subjects, the king shall consider as good.

Kamandaka called upon the kings to protect people against his favourites and officers.

आयुक्तकेभ्यश्चौरेभ्यः परेभ्यो राजवल्लभात्।
पृथिवीपतिलोभाच्च प्रजानां पŒचधा भयम्।
पŒचप्रकारमप्येत पोह्यं नृपतेर्भयम्।।

KAMANDAKA v 82-83 (PP.63-64)

The subjects require protection against wicked officers of the king, thieves, enemies of the king, royal favourites (such as the queen, princes etc), and

more than all, against the greed of the king himself. The king should ensure that the people are free from these fears.

Most of the kings were very conscious of their duties towards their subjects and did provide relief to the aggrieved against actions of their own officers or favourites. There is an illuminating case recorded in Rajatarangini as to how Chandrapida, the king of Kashmir who reigned between 680-688 A.D. gave protection to a poor 'charmakara' (cobbler) from the intended action of his own officers. The gist of the case is related below.

The officers of the king undertook construction of a temple of Lord Tribuvanaswami on a certain site. On a portion of that site there was a hut belonging to a charmakara (cobbler). He refused to remove his hut in spite of being asked to do so by the king's officers. Thereupon the officers complained to the king about the obstinacy of the charmakara. However, to their surprise, the officers got a rebuff from the king, who censured them for lack of foresight in encroaching upon the site belonging to the charmakara and starting construction without taking his consent. The king ordered thus:

नियम्यतां विनिर्माणं यद्वान्यत्र विधीयताम्।
परभूम्यपहारेण सुकृतं कः कलङ्कयेत्।।
ये द्रष्टारः सदसतां ते धर्मविगुणाः क्रियाः।
वयमेव विदध्मश्चेत् यातु न्यायेन कोऽध्वना।।

RAJATARANGINI IV -59-60

Stop construction or build (the temple) somewhere else. Who would tarnish such a pious act by illegally depriving a man of his land?

If we who are the judges of what is right and what is not right, act unlawfully, who then will abide by the law ?'

Truly, the supremacy of the law (Dharma) prevailed. With the aid of the law, a 'weak' charmakara prevailed over the - 'strong' the officers of the king.

Thereafter, the charmakara got an audience with the king at his own request. He represented before the king thus: "What the palace is to Your Majesty, the hut is to me. I could not bear to see its demolition. You can very well appreciate the plight of a man who is deprived of his dwelling. However, if your majesty were to come to my hut and ask for it, I shall give it up having due regard to the code of good manners".

The king with all humility went to the charmakara's hut and with his consent purchased the hut by paying a price which was far more than he had expected and to his entire satisfaction. The charmakara then spoke with folded hands thus:

राजधर्मानुरोधेन परवत्ता तवोचिता।
स्वस्ति तुभ्यं चिरं स्थेया धर्म्या वृत्तान्तपद्धतिः।

दर्शयन्नीदृशीः श्रद्धा श्रद्धेया धर्मचारिणाम्।।

RAJATARANGINI: IV 75-77

> *Yielding to another (however low), adhering to the principles of Rajadharrna, is the appropriate course for a king. I wish you well. May you live long, establishing the supremacy of the law (Dharma). Seeing in you such faith in Dharrna others will also act accordingly*.

What an inspiring example for upholding the rule of law by the suo-motu exercise of judicial power by the king and granting relief to a poor man against the arbitrary action of his own officers. How valuable is the commendation of a poor subject to the king compared to the sycophancy of selfish individuals.

Today it is a matter of common knowledge, that many of the political rulers as also the officers lack in moral character, and they act on collateral considerations or take bribes from the citizens, either for exercising power in favour of the citizens, which they are in duty bound to exercise, or not to exercise power, though they are in duty bound to exercise such power in law. The people crave for protection against such rulers and officers of the state which is the cause of enormous increase in litigation against the state and its officers.

Now it has become clear that unless a Dharma-abiding nature is ingrained in the individuals who exercise power of the state, either as ministers or elected representatives or as bureaucrats, the whole social fabric will be torn into pieces. It is only by the internal check in the form of Dharma, which can destroy sinful thoughts in the mind of the individuals who exercise state power and inspire them to serve the people, for which purpose they are elected or appointed.

1.10 THE SUPREMACY OF DHARMA

Having evolved the concept of enforceability of the law through the institution of kingship, ancient Indian jurists proceeded to define the law. The law was recognised as a mighty instrument necessary for the protection of individual rights and liberties. Whenever the right or liberty of an individual was encroached upon by another, the injured individual could seek protection from the law with the assistance of the king, however, powerful the opponent (wrong doer) might be. The power of the king (state) to enforce the law or to punish the wrong doer was recognised as the force (sanction) behind the law which could compel implicit obedience to the law. After declaring how and why the Kshatra power (i.e.; the King) was created, the Brihadaranyakopanishat proceeds to state, finding that the mere creation of kingship was not enough, that the most excellent Dharma (law), a power superior to that of the king, was created to enable the king to protect the people, and gives the definition of law (Dharma) as follows:

तदेतत्–क्षत्रस्य क्षत्रं यद्धर्मः।
तस्माद्धर्मात्परं नास्ति।
अथो अबलीयान् बलीयांसमाशंसते घर्मेण।
यथा राज्ञा एवम्।।

The law (Dharma) is the king of kings No one is superior to the law (Dharma) ; The law (Dharma) aided by the power of the king enables the weak to prevail over the strong.

Commenting on the above provision, Dr. S. Radha krishnan observes that even kings are subordinate to Dharma, to the Rule of law.2 The utility and the necessity of the power of king to enforce the law is explained thus:-

सर्वो दण्डजितो लोको दुर्लभो हि शुचिर्जनः।
दण्डस्य हि भयाद्भीतो भोगायैव प्रवर्तते।।

MANU VII-22

There is hardly an individual in this world, who on his own, is pure in his conduct.

The king's (sovereign's) power to punish, keeps the people in righteous path. Fear of punishment (by the king) yields worldly happiness and enjoyment.

The most ancient and perhaps the earliest definition of law given in the Upanishad brings forth the essential aspects of the word 'law' as defined in modem jurisprudence that the law is an imperative command which is enforced by some superior power or sovereign. The superior power which serves as an instrument of coercion for the enforcement of the law is called the' sanction' .According to Austin, the law consists of

the general command issued by the State to its subjects and enforced if necessary by the physical power of the State. Therefore, declaration of law by a political superior or sovereign (the King) and the availability of the power of the state machinery for the enforcement of that law are stated to be the essential requisites of an imperative law. The law as defined in the Upanishad also meant that it was enforceable against individuals with the aid of the physical power of the king as is made clear from the statement, 'The law aided by the power of the king enables the weak to prevail over the strong' .The power of the king constituted the instrument of coercion. This aspect is forcefully put by Manu VII-22 supra. However, one of the most distinguishing aspects as between the concept of the law as defined in the western jurisprudence and that as defined in Dharmasastras is, whereas the imperative command of the king constituted the law according to the former, under the concept of Dharma, the law was a command even to the king and was superior to the king. This meaning is brought out by the expression 'the law is the king of kings'. The doctrine 'the king can do no wrong' was never accepted in our ancient constitutional system. Another aspect discernible from the definition of 'law' given in the Brihadarayaka Upanishat and accepted in the Dharmasastras is, that the law and the king derive their strength and vitality from each other. It was impressed that the king remained powerful if he observed the law and the efficacy of the law also depended on the manner in which the king functioned, because it was he who was responsible for its enforcement. There was also a specific provision which made it clear to the king that if he was to be respected by the people, he was bound to act in accordance with the law. Thus the first and foremost duty of the king as laid down under Rajadharma was to rule his kingdom in accordance with the law, so that the law reigned supreme and could control all human actions so as to keep them within the bounds of the law. Though Dharma was made enforceable by the political sovereign -the king, it was considered and recognised as superior to and binding on the sovereign himself. Thus under our ancient constitutional law (Rajadharma) kings were given the position of the penultimate authority functioning within the four corners of Dharma, the ultimate authority.

Rules of Dharma were not altere able according to the whims and fancies of the king. The exercise of political power in conformity with "Dharma" was considered most essential. This principle holds good for every system of government and is a guarantee not only against abuse of political power with selfish motives and out of greed but also against arbitrary exercise of political power.

Supremacy of the Constitution :

The Constitution of India given to themselves by the people of India having been adopted on 26th day of November 1949 in the Constituent Assembly came into force on 26th January 1950. To put in the language of ancient Indian jurisprudence it is the "Raja Dharma", which is supreme. All the three organs of the State, the Legislature, the Executive and the Judiciary are bound by the provisions contained therein and are required to function within the four corners of the provisions. The argument some time advanced, as to the supremacy of the one organ over the other is futile.

This aspect was forcefully brought out by Dr, S. Radhakrishnan, in his speech made in the Constituent Assembly supporting the Objectives Resolution moved by Jawaharlal Nehru. He said :-

DHARMAM KSHATRASYA KSHATRAM

> *Dharma, righteousness is the king of kings It is the ruler of both the people and the rulers themselves It is the sovereignty of the law we have asserted.*

Dr. Ambedkar the Chairman of the Drafting Committee, and the main architect of the Constitution, explaining the significance of the restrictive clauses contained in Article 368 expounded the supremacy of the Constitution in the following words :

> *The Constitution is a fundamental document. It is a document which defines the position and power of the three organs of the State -the executive, the judiciary and the legislature. It also defines the powers of the executive and the powers of the legislature as against the citizens, as we have done in our chapter dealing with Fundamental Rights. In fact, the purpose of a constitution is not merely to create the organs of the State but to limit their authority, because, if no limitation is imposed upon the authority of organs, there will be complete tyranny and complete oppression. The legislature may be free to frame any law; the executive may be free to take any decision; and the Supreme Court may be free to give any interpretation of the law. It would result in utter chaos.*

The Law Commission presided over by Justice P.B.Gajendragadkar, former Chief Justice of India, in its 46th Report expressed similar views :

> *The Commission believes that, in a democratic country like India which is governed by a written constitution, supremacy can be legitimately claimed only by the constitution. It is the Constitution which is paramount, which is the law of laws, which confers on the Parliament and the State Legislatures, the Executive and the Judiciary their respective powers, assigns to them their respective functions, and prescribes limitations within which the said powers and functions can be legitimately discharged.*

Thus we gave ourselves a system of governance which can aptly be described as a System based on the Constitutional Supremacy, same as the Dharmic Supremacy, as declared in Brihadaranyaka Upanishad, the basic structure of which is unalterable. This must be uppermost in the minds of all those who exercise the power of the State under the doctrine of seperation of powers.

1.11 DHARMA A PANACEA FOR HUMAN PROBLEMS

1.11.1 DHARMA -Not Religion

It is paradoxical that the word "DHARMA" is being translated as religion and vice-versa. In fact in the Hindi version of the Constitution of India, the word religion is translated into 'Dharma' .It is totally wrong. The word religion should have been translated as 'Mata' or 'Sampradaya' or 'Pantha'. In view of the translation of the word religion as Dharma many translate the word Secularism as 'Pharma Nirapekshata'. In the preceding chapters what is Dharma is explained. It means Ahimsa (non-violence), Satya (truthfullness), Asteya (not acquiring illegitimate wealth), Shoucham (cleanliness of mind and body i.e., purity of thought, word and deed) and Indriyanigraha (control of senses). If secularism is translated as meaning 'Dharma Nirapekshata' , it means a state where all the above rules of dharma have no place. Certainly our Constitution is not intended to establish a State of Adharma, If 'Dharma Nirapekshata' is again translated into English it becomes 'bereft of Dharma' or a lawless State i.e., State without Morals. Further the famous saying "Yato Dharmastato Jayaha" which means where there is Dharma, there is victory, would become "Yato religion tatho jayaha" which means the victory is always to religion and not to Dharma. Such are the consequences of erroneous translation of Dharma as Religion. This aspect is pointed out by Dr. L.M. Singhvi in the following words.

> *We have been accustomed to use, though erroneously, the expression "Dharma Nirapekshata ' , so far as the State and its institutions are concerned, as an equivalent of secularism in contemporary Indian constitutional vocabulary and political parlance. A more accurate equivalent Hindi translation of "secularism" would be "Sampradaya-Nirapekshata" because "Dharma" in Indian tradition also stands for Law and Morality and no State can be devoid of Law and Morality.*

By misinterpreting Dharma as religion it is being said that it is a source of conflict and injurious to feeling of fraternity among the citizens. This is wholly erroneous.

1.11.2 DHARMA -is code of good conduct

There is a vast difference between Dharma and Religion, as explained in the preceding chapters. All the rules of righteous conduct in every sphere of human activity evolved from times immemorial in this country, falls within the meaning of the word "Dharma". Religion means mode of worship of God by all believers calling him by different names. There are many religions. There are instances of religious fanaticism creating conflict. Religion might divide but Dharma unites. It applies to all human beings. It sustains life. It does not create conflict. It is the same Dharma which in the course of History came to be called 'Hinduism' after the word 'Hindu' and Hindustan were coined by the foreign invaders, to the designate people and the land. Thus, Hinduism is a

synonym of Dharma. In this regard the view expressed by Dr. Radhakrishnan is enlightening. He said :

> *Hinduism is more a way of life than a form of thought. While it gives absolute liberty in the world of thought it enjoins a strict code of practice. The theist and the atheist, the sceptic and the agnostic may all be Hindus if they accept the Hindu system of culture and life. Hinduism insists not on religious conformity but on a spiritual and ethical outlook in life. The performer of the good -and not the believer in this or that view -can never get into an evil state. In a very real sense practice precedes theory. Only by doing the will does one know the doctrine, whatever our theological beliefs and metaphysical opinions may be, we are all agreed that we should be kind and honest, grateful to our benefactors and sympathetic to the unfortunate. Hinduism insists on a moral life and draws into fellowship all who feel themselves bound to the claims which the moral law makes upon them. Hinduism is not a sect but a fellowship of all who accept the law of right and earnestly seek for the truth. Dharma is right action Dharma or virtue is conformity with the truth of things; adharma or vice is opposition to it.*

Many values of life were evolved on the basis of fundamental principles. The most cherished values were summed up by Sarvajna Narayana thus :

मातृवत्परदारेषु परद्रव्येषु लोष्टवत्।
आत्मवत्सर्वभूतेषु यः पश्यति स पण्डितः।।

> *One who treats every woman (other than his wife) as equal to his own mother, treats (rejects) another's wealth as if it were a clod of earth, treats every living being as his own self is really a learned/wise person*

This advice if followed by an individual, does not land him in misery or loss of mental happiness.

The rules of Dharma were meant to regulate individual conduct in such a way as to restrict the rights, liberty, interest and desires of an individual as regards all matters to the extent necessary in the interest of other individuals, i.e., society, at the same time making it obligatory on the part of society to safeguard and protect the individual in all respects through its social and political institutions. Shortly put, Dharma regulated the mutal obligations of individuals and society. Therefore, it was stressed that the protection of Dharma was in the interest of both the individual and the society.

1.11.3 DHARMA binding on the Rulers and the Ruled

Following the principles of Dharma was considered essential both for the ruled and the ruler. The importance of the observance of Dharma, considered essential for the

purpose of exercising political power, is contained in the advice given by Raffia to Bharata at Chitrakut while sending him back, to rule the country. This has been forcefully brought out in the celebrated work "Sitayana" by Dr. K.R. Srinivasa Iyengar. The excerpts are :

"Bharata, commandments of Dharma like Nature's laws, admit of no meddling, When Dharma's imperatives determine legitimacy, and say, This is right, and thus must you act; it's wrong to look round for escape routes;

All power, Bharata, is like poison; We need the sovereign Grace of the Lord, both to exercise power and be immune from its deadly poison; In our total submission to Dharma, there's the sure promise of Grace; but those that rely on power alone must perish by its poison."

The above advice by Raffia is of eternal value for all those who exercise political power under any system of government. The meaning is, just as those who handle electric power wear a rubber hand glove for safety, those who exercise political power must wear the hand glove of Dharma. The consequence of the exercise the of political power disregarding Dharma is disastrous. This aspect is clearly indicated by C. Subramaniam in Bhavans Journal dated 15th April 1995 thus:

Gandhiji's ideal of an ideal polity was Ramarajya. It stood for a society wherein a high, ethical standard of life is characterised by the pursuit of purusharthas -Dharma, Artha, Kama and Moksha. It is the prevalence of Dharma, which characterises an ideal society. Such a society is possible only if the governance of the country is based on clear, efficient and transparent administration. In the past, the king was not only a symbol, but was the ruler and administrator and the king had to observe the Dharma of the ruler, functioning in a selfless manner for the prosperity, harmony and happiness of his people. This is Gandhijis concept of Ramarajya. Today, we have responsible governments run by elected representatives.

If the rulers do not observe Dharma, it will become a Ravanarajya. ***We have to make a choice, between Ramarajya and Ravanarajya.***

While the observance of Dharma by every individuals is essential for harmonious living, it is also a condition in conformity with which the political power was required to be exercised and that holds good for all Nations and for all times to come.

Religion is a mode of worship. Religions are many. Therefore any person who follows his own religion would be acting within the rules of Dharma or Hindu Dharma as it has come to be called.

These high ideals were not merely in the books. All the lofty ideals set out above had been articles of faith, with our people throughout history. These ideals set out in the

Mahabharata and other works on Rajadharma inspired and guided, by and large, all kings who acted in conformity with them. The belief in the supremacy of Dharma among the people was the best guarantee for the proper functioning of kings. In other words, 'Dharmic Supremacy' generally prevailed, which corresponds to constitutional supremacy under the present day written constitutions. Every king was required to take oath at the time of coronation that he would rule according to 'Dharma'. Thus Dharmarajya means the Rule of Law.

In this regard, the famous historian R.C. Majumdar in his book "Ancient India" observes thus :-

> *The duty of the king was clearly defined in the Sastras. It would have created as much a sensation in those days, if the king had failed in his duties as would follow the violation of people's rights in modern days.*

Historical records prove that Raja Dharma formed the fundamental law which regulated the Constitution and the organisation of every kingdom (State) in the country throughout the centuries.

It is on the basis of these lofty principles of 'Dharma, meant for the guidance of human beings in every sphere of activity, including governance of the States, that Fredric Max Muller remarked :-

> *If I were asked under what sky the human mind has most fully developed some of its choicest gifts, has most deeply pondered on the greatest problems of life and has found solutions to some of them which well deserve the attention of even those who have studied Plato and Kant. I should point to India. And if I were to ask myself from what literature we here in Europe, we who have been nurtured almost exclusively on the thoughts of Greeks and Romans, and of one Semitic race, the Jewish, may draw that corrective which is most wanted in order to make our inner life more perfect, more comprehensive, more universal, in fact more truly human, a life, not for this life only, but a transfigured and eternal life - again I should point to India.*

Arnold Toynbee in his introduction to World Thinkers on Ramakrishna - Vivekananda observes thus :-

> *Today we are still living in this transitional chapter of the World's history, but it is already becoming clear that a chapter which had a Western beginning will have to have an Indian ending if it is not to end in the self – destruction of the human race At this supremely dangerous moment in human history the only way of salvation for mankind is an Indian way.*

Again it is with reference to these principles of Dharma which constitute the soul of Mother India, Swami Vivekananda declared :

> *Shall India die ? Then from the world all spirituality will be extinct, all moral perfection will be extinct, all sweet- souled sympathy for religion will be extinct, all ideality will be extinct, and in its place will reign the duality of lust and luxury as the male and female deities, with money as its priest, fraud, force and competition as its ceremonies, and the human soul as its sacrifice.*

The message is loud and clear. If Dharma which is the soul of India perishes, then India which is the personification of Dharma dies and those would be the consequences. But, Vivekananda confidently declared "Such a thing can never be". This confidence is in conformity with the declaration made by Sri Krishna in Bhagvad Gita that whenever Dharma declined, he would appear and resurrect it.

To sum up, the difference between religion and Dharma is this; Religions are many such as Shaiva, Vaishnava, Smartha, Boudha, Jaina, Sikh, Islam, Christianity, Parsi etc., Religion is personal to individuals, and left to their choice. One can join or change a religion according to one's urge and desire. Respect for all religions is Dharma. Practice of every religion is in conformity with Dharma. Dharma is universal, it applies to all whether they belong to any religion or not. It is a code of conduct for all human beings for all time to come. It is eternal and unalterable just as you cannot alter the property of fire of burning and of water of flowing.

For the country and humanity which are facing wide spread decline of moral values, a crisis of character on slaught on women, violence and many other ills, adherence to "Dharma" alone is the remedy. It alone can destroy sinful thoughts, establish moral authority and make people follow the righteous path, and thus save the nation and humanity from catastrophe.

1.12 ACCEPTANCE OF DHARMA AS GLOBAL ETHIC

The eternal validity of the values based on Dharma, has to be accepted by the entire world if the human race is to be saved from total destruction, is established by the initial declaration {Towards Global Ethic) made at the Parliament of the World's Religions from August 28 to September 5,1993. at Chicago, to coincide with the centenary of Swamy Vivekananda 's Chicago Address. The declaration is signed by as many as 160 persons belonging to world religions and also those who represented Dharma. It incorporates values, which are all part of "Dharma"from times immemorial. The same is reproduced hereinafter.

TOWARDS A GLOBAL ETHIC

The World is in agony. The agony is so pervasive and urgent that we are compelled to name its manifestations so that the depth of this pain may be made clear.

Peace eludes us the planet is being destroyed neighbours live in fear women and men are estranged from each other children die !

This is abhorrent !

We condemn the abuses of the Earth 's ecosystems.

We condemn the poverty that stifles life's potential; the hunger that weakens the human body; the economic disparities that threaten so many families with ruin.

We condemn the social disarray of the nations; the disregard for justice which pushes citizens to the margin; and anarchy overtaking our communities; and the insane death of children from violence. In particular, we condemn aggression and hatred in the name of religion.

But this agony need not be.

It need not be because the basis for an ethic already exists. This ethic offers the possibility of a better individual and global order, and leads individuals away from despair and societies away from chaos.

We are women and men who have embraced the precepts and practices of the world's religions.

We affirm that a common set of core values is found in the teachings of the religions, and that these form the basis of a global ethic.

We affirm that this truth is already known, but yet to be lived in heart and action.

We affirm that there is an irrevocable, unconditional norm for all areas of life, for families and communities, for races, nations, and religions. There already exist ancient guidelines for human behaviour which are found in the teachings of the religions of the world and which are the condition for a sustainable world order.

1.12.1 WE DECLARE :

We are interdependent. Each of us depends on the well-being of the whole, and so we have respect for the community of living beings, for people, animals, and the plants, and for the preservation of the earth, the air, water and soil.

We take individual responsibility for all we do. All our decisions, actions, and failures to act have consequences.

We must treat others as we wish others to treat us. We make a commitment to respect life and dignity, individuality and diversity, so that every person is treated humanely, without exception. We must have patience and acceptance. We must be able to forgive, learning from the past but never allowing ourselves to be enslaved by memories of hate. Opening our hearts to one another, we must sink our narrow differences for the cause of the world community practicing a culture of solidarity and relatedness.

We consider humankind our family. We must strive to be kind and generous. **We must not live for ourselves alone, but should also serve others**, never forgetting the children, the aged, the poor, the suffering, the disabled, the refugees, and the lonely. No person should ever be considered or treated as a second class citizen, or be exploited in any way whatsoever. There should be equal partnership between men and women. **We must not commit any kind of sexual immorality.** We must put behind us all forms of domination or abuse.

We commit ourselves to a culture of non-violence, respect, justice and peace. We shall not oppress, injure, torture, or kill other human beings, forsaking violence as a means of settling differences.

We must strive for a just social and economic order, in which everyone has an equal chance to reach full potential as a human being**. *We must speak and act truthfully and with compassion***, dealing fairly with all, and avoiding prejudice and hatred. We must not steal. **We must move beyond the dominance of greed for power, prestige, money and consumption to make a just and peaceful world.**

Each cannot be changed for the better unless the consciousness of individuals is changed first. We pledge to increase our awareness by disciplining our minds, by meditation, by prayer, or by positive thinking. Without risk and a readiness to sacrifice there can be no fundamental change in our situation. **Therefore we commit ourselves to this global ethic**, to understanding one another, and to socially beneficial, peace-fostering, and nature -friendly ways of life.

We Invite All People
Whether Religious or not
To do the same"

A comparison of the values declared as part of the Global Ethic and the corresponding rules of Dharma at once indicates that they are one and the same. They are :

1. We must treat others as we wish others to treat us	: atmavat sarvabhutanam
2. We consider humankind our family	: Vasudhaiva Kutumbakam
3. We should serve others	: Paropakarartham idam shareeram
4. (a) We must commit to a culture of non violence	Ahimsasatyam-asteyam
(b) We must speak and act truthfully -we must not steal	Shoucham indriyanigraha,
(c) We must move beyond the dominance of greed for power, money, prestige, consumption	Etam samasikam dharmam
(d) We must not commit any sexual immorality Dharma	Parityajedartha Kamou Yau Syatam Varjitau

All these were declared as "Dharma" five thousand years ago in Mahabharata Shantiparva 60- 7 -8 (See Ch. II).

We have some thing more viz., in the form of a directive to a student at the culmination of their higher education, to treat his mother as God, treat his father and teacher as God, Don't indulge in acts which are forbidden (Vide Taittreeya Samhita) and also to treat every woman other than the wife as equal to mother" is part of the directive. The values of life found or laid down in any religious texts could supplement those values.

We should therefore compile all the moral values based on Dharma and classify them into different levels. The United Nations should adopt them as the GLOBAL ETHIC and prescribe it for study at appropriate levels from the primary to university

courses in the education system of all nations and make it part of the Human Resources Development Programme.

This should constitute the Blue Print for education commencing from the 21st Century for all the Nations of the world in order to produce better individuals, lead a simple and better family life, secure a better national life, better environment ensuring happiness to Humanity as also to all living beings. This is the long range and the only solution for all the problems of the World.

लोका+ समस्ताः सुखिनो भवन्तु।

Let the Entire World be Happy

1.13 DHARMA ALONE SURVIVES

Ultimately in this ephemeral world, what survives for an individual is the Dharma practiced by him during his life time and not anything or anyone else, and therefore everyone should conform to Dharma in day to day life. This aspect is indicated in Manu Smriti.

नामुत्र हि सहायार्थं पिता माता च तिष्ठतः।
न पुत्रदारं न ज्ञातिर्धर्मस्तिष्ठति केवलः।।239।।

एकः प्रजायते जन्तुरेक एव प्रलीयते।
एकोऽनुभुङ्क्ते सुकृतमेक एव च दुष्कृतम्।।240।।

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When one departs from this world to the other World, neither father nor mother, neither son nor wife will accompany him. Only the "Dharma" practiced by an individual follows him even after death.

A person takes birth alone and dies alone, he alone enjoys or suffers the consequences of his evil deeds.

मृतं शरीरमुत्सृज्य काष्ठलोष्टसमं क्षितौ।
विमुखा बान्धवा यान्ति धर्मस्तमनुगच्छति।।241।।

तस्माद्धर्मं सहायार्थं नित्यं सिŒचनुयाच्छनैः।
धर्मेण हि सहायेन तमस्तरति दुस्तरम्।।242।।

Once a person dies, his relatives cremate the body and leave for home. Only the Dharma performed by him during his life time remains with him. Therefore, it is essential that a mall during his life time should conform to Dharma.

The above verses indicate that the observance of Dharma by individuals throughout their lives is essential not only for their happiness but also for the happiness of other individuals who constitute the family and society. This means every one should live without exploiting or harassing others. Every day he should acquire 'Punya' (merit of good deeds) by acting in accordance with Dharma without causing injury or trouble to other living beings. This alone gives real happiness. Man should conform to Dharma and accumulate the merit of good deeds slowly and gradually.

The above verses caution every individual not to indulge in securing illegitimate wealth, thinking that he is doing so for the benefit of his family, relatives and friends and points out that if one does so, all of them would only share and enjoy the wealth and

property so earned but as far as the consequences of such evil deeds are concerned he alone has to suffer. Similarly, if he conforms to 'Dharma' during his life time, that will remain associated with his name for ever after his death. Thus, 'Dharma' is the everlasting friend. Even if by conforming to Dharma, an individual suffers any inconvenience or hardship still he would be happy because of the satisfaction that he had conformed to Dharma. This is also the message of the Bhagvadgita Ch. VI-5,which says:-

उद्धरेदात्मनाऽत्मानं नात्मानमवसादयेत्।
आत्मैव ह्यात्मनो बन्धुरात्मैव रिपुरात्मनः।।

With the aid of mind a man can uplift himself (by his own good deeds) or can bring about his downfall (by his own misdeeds). Thus it is the mind of a man which could become either his friend or enemy.

How true it is. If man cultivates good thoughts in his mind through good samskara and performs good deeds he uplifts himself. The height of his rise is directly proportional to the good thoughts he has entertained and performed. His down fall is also directly proportional to the sinful thoughts he entertained and indulged in evil deeds. Therefore, realising that in the final stage of life the sole and lone friend of an individual who survives is Dharma, every individual should conform to Dharma in every sphere of his activity. This is the only sure way of securing real success and real happiness in life.

Victory is Always For Dharma